

# Cabinet Agenda

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**Date:** Monday, 20th August, 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 disclosable pecuniary and non-pecuniary 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 Paul Mountford on 01270 686472  
E-Mail: [paul.mountford@cheshireeast.gov.uk](mailto:paul.mountford@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 - 8)

To approve the minutes of the meeting held on 23<sup>rd</sup> July 2012.

5. **Key Dec 12/13-7: Special Educational Needs and Disability Policy** (Pages 9 - 52)

To consider the proposed Special Educational Needs and Disability Policy following statutory consultation.

6. **Key Dec 11/12-21: Cheshire Homechoice Common Allocations Policy Review** (Pages 53 - 94)

To consider proposed changes to the Cheshire Homechoice Common Allocations Policy.

7. **Key Dec 11/12-29: Compulsory purchase of Land to Facilitate the Crewe Green Link Road South** (Pages 95 - 104)

To consider a report recommending that the Cabinet formally resolve to use the Council's Compulsory Purchase powers to enable the acquisition of land to facilitate the Crewe Green Link Road South and to secure funding for the scheme from the Department for Transport.

8. **Key Dec 11/12-30: Tenancy Strategy** (Pages 105 - 138)

To consider a report on the Cheshire East draft Tenancy Strategy.

9. **Key Dec 12/13-9: Libraries Strategy** (Pages 139 - 158)

To consider a report on the Council's proposed Libraries Strategy.

10. **Key Dec 12/13-12: Affordable Housing Programme - Phase Two** (Pages 159 - 172)

To consider the disposal of Council-owned sites for the provision of affordable housing.

11. **Key Dec 11/12-42: Review of Discretionary Rate Relief Policy** (Pages 173 - 198)

To review the Council's Discretionary Rate Relief Policy.

12. **Key Decision: Transfer of the former Broad Street School, Crewe** (Pages 199 - 214)

To consider a proposal to relocate the Cheshire Academy of Integrated Sport and Arts from their existing premises at Macon Way, Crewe to the former Broad Street School, Crewe.

13. **Key Dec 12/13-10: Review of Recycle Bank Sites** (Pages 215 - 228)

To review the provision of cycle bank sites in Cheshire East in the light of reduced demand following the introduction of the 'silver bin' kerbside recycling service.

14. **2012/2013 First Quarter Review of Performance** (Pages 229 - 280)

To consider a report on the Council's financial and non-financial performance at the first quarter stage of 2012/2013; the report also seeks the approval of supplementary revenue and capital estimates and virements.

15. **Risk Management Policy Review** (Pages 281 - 296)

To consider the updated Risk Management Policy.

16. **Review of Service Delivery Options** (Pages 297 - 306)

To consider a report outlining the potential service options for the recycling and waste service post April 2014.

17. **Cheshire East Planning Guarantee and Improvements to the Development Management Service** (Pages 307 - 316)

To consider proposals for the introduction of a Planning Guarantee scheme.

18. **Notice of Motion: Armed Forces Community Covenant** (Pages 317 - 332)

To consider a response to the Notice of Motion to Council on the development of an action plan in connection with the Community Covenant scheme.

19. **Notice of Motion: Corporate Communications** (Pages 333 - 352)

To consider a response to the Notice of Motion to Council regarding an all-party inquiry into the Council's corporate communications function.

20. **Notice of Motion: The Use and Approval of Outside Consultants** (Pages 353 - 356)

To consider a response to the Notice of Motion to Council regarding the use of outside consultants.

21. **Notice of Motion: Care Quality Commission Report June 2012 - Learning Disabilities** (Pages 357 - 362)

To consider a response to the Notice of Motion to Council relating to a recent report by the Care Quality Commission on learning disability services with safeguarding issues.

22. **Healthwatch** (Pages 363 - 370)

To consider proposals for the setting up of a local Healthwatch in Cheshire East.

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

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

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

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

24. **Key Dec 12/13-12: Affordable Housing Programme - Phase Two** (Pages 371 - 380)

To consider the disposal of Council-owned sites for the provision of affordable housing.



**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Monday, 23rd July, 2012 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

**PRESENT**

Councillor M Jones (Chairman)  
Councillor D Brown (Vice-Chairman)

Councillors Rachel Bailey, J Clowes, H Gaddum, L Gilbert, J Macrae,  
R Menlove, B Moran and P Raynes

Councillors in attendance:

C Andrews, Rhoda Bailey, G Baxendale, K Edwards, P Findlow, D Flude,  
Gardiner, P Groves, B Livesley, P Mason, A Moran, L Smetham, M Simon and  
A Thwaite

Apologies for absence were noted from Councillor Boston in respect of Item  
13

Officers in attendance:

Borough Solicitor and Monitoring Officer; Director of Finance and Business  
Services; Head of HR and Organisational Development; Strategic Director,  
Places and Organisational Capacity.

**20 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**21 DECLARATIONS OF INTEREST**

No declarations of interest were made.

**22 PUBLIC SPEAKING TIME/OPEN SESSION**

Charlotte Peters Rock, Knutsford Area for Knutsford Action (KAFKA) and  
Cheshire Area for Cheshire Action repeated previous requests for the  
Council to take action in a number of areas. In particular she raised  
concerns about the way in which the Council undertook different  
consultations within the Cheshire East area.

Charlotte Peters Rock also repeated her concerns that the former portfolio  
holder for Adult Services had been appointed as the Vice Chairman of the  
Health and Wellbeing Scrutiny Committee.

## **23 MINUTES OF PREVIOUS MEETING**

### **RESOLVED**

That the minutes of the meeting held on 25th June 2012 be approved as a correct record.

## **24 KEY DECISION THE HOUSING CHALLENGE**

Consideration was given to a report outlining the current position regarding overall housing provision and delivery across Cheshire East. It provided an overview of the current interventions that Cheshire East Council was making to contribute to both affordable and market housing delivery to address the shortfall in housing supply.

The report gave statistical and financial information and identified measures to stimulate delivery and requested specific approval for an allocation of £6m capital resources currently in the capital programme for 2012/13 – 2015/6.

### **RESOLVED**

1. That the current position regarding overall housing provision and delivery across Cheshire East be noted and the programme of intervention to stimulate delivery be endorsed.
2. That the qualifying criteria and the process outlined within Appendix 1 to allocate the Housing Capital Programme for 2012-15 be approved.
3. That consent be given for the identification of further sites for affordable housing to support Phase 2 of the Affordable Housing programme and deliver a five year development programme.
4. That approval be given to undertake that further work to explore new partnership working initiatives including:
  - i) Providing financial mechanisms to housing partners in order to enable them to have the financial capacity to deliver the level of affordable homes required across the authority.
  - ii) Working with Registered Providers in order to bring forward an additional supply of affordable housing or intermediate products.

5. A further report be presented to Cabinet during Summer 2012/13 with Phase 2 of our Affordable Housing Delivery Programme within the overall Housing Challenge Programme Framework

## **25 TREASURY MANAGEMENT ANNUAL REPORT 2011/2012**

Consideration was given to the performance of the Council's treasury management operation, including details of the activities undertaken during 2011-2012, for Cheshire East Borough Council.

### **RESOLVED**

That the Treasury Management Annual Report for 2011-2012, as detailed in Appendix A of the report be received.

## **26 FINAL OUTTURN PERFORMANCE 2011/2012**

Consideration was given to the Council's financial and non-financial performance at the final outturn stage of 2011/12 with each Portfolio Holder providing a commentary on the key issues in their areas of responsibility. The views of the Corporate Overview and Scrutiny Committee on this report were also submitted.

### **RESOLVED**

1. That the following financial issues be noted
  - the overall financial stability of the Council, including Grants, in-year collection rates for Council Tax and Business Rates, Treasury Management, and centrally held budgets (Annex 1);
  - the impact on the Council's general reserves position as detailed in Annex 1;
  - the final service revenue and capital outturn positions (Annex 2);
  - the Council's invoiced debt position as shown in Annex 2;
  - the delivery of the 2011-2012 capital programme, detailed in Annex 2 and Appendix 1;
  - Reductions to approved capital budgets, as shown in Annex 2, Appendix 3.
2. That the performance issues, contained in Annex 3: be noted and that successes achieved during 2011/2012 be welcomed
3. That approval be given to:
  - Supplementary Capital Estimates and virement requests over £100,000 and up to and including £1,000,000 as shown in Annex 2, Appendix 2a.

- Supplementary Capital Estimate and virement requests over £1,000,000 as shown in Annex 2, Appendix 2b.

## **27 BUSINESS PLANNING PROCESS 2013/2016**

Consideration was given to the Council's Business Planning Process for 2013/2016 onwards. The Council would review and revise the Business Plan approved in February 2012. This would enable the Council to maintain a clear link between what the Council wanted to achieve and the allocation of limited resources.

The outcome of the process would be the production of a revised Business Plan, in February 2013, to set the Council's ambitions, Budget and Council Tax.

### **RESOLVED**

That the Business Planning Process to develop a Business Plan for 2013/2016 be approved.

## **28 ADDRESSING THE ACCOMMODATION NEEDS OF GYPSIES AND TRAVELLERS**

Consideration was given to the requirements of the Housing Act 2004 to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or travelling through the area. It also requires the Council to include the needs of Gypsies and Travellers in any housing strategy that it produces and to take any such strategy into account in exercising their functions.

The level of need for Gypsy and Traveller and Travelling Showperson accommodation within Cheshire East has been identified through the Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA), published in January 2007.

Through the Local Plan the Council would identify a target for the provision of Gypsy and Travellers Pitches and Travelling Showpeoples plots for the Plan period based on identified need.

It was recommended that an Interim approach be adopted that would

- § Set up a temporary stopping place to alleviate the issue of unauthorised encampments on both public and private land.
- § Update the sub regional Gypsy Traveller Accommodation Assessment (GTAA) with our partners
- § Commission a study to identify both transit & permanent residential sites; this would involve the agreement of site criteria for the provision & a call for sites.

- § Council to explore the extension of affordable housing policy to include the use of s106/commuted funds to deliver permanent residential sites.
- § Investigate the possibility of establishing a joint venture company/strategic partnership between the council and its Registered Provider partners to identify develop and manage future provision.

**RESOLVED**

1. That the current position be acknowledged
2. That approval be given to the 'Addressing the Accommodation Needs of Gypsies and Travellers Policy' and the interim actions set out above
3. That approval be given to a site search and suitable appraisal process for both permanent residential and transit sites
4. To approve a site search for a temporary stopping place based on the evidence from encampment locations

**29 CARBON MANAGEMENT ANNUAL MONITORING REPORT**

Consideration was given to a monitoring report on the Cheshire East Carbon Management Plan. The Plan identified a range of projects to be developed over the five year period to achieve a 25% reduction in our energy consumption from the 2008/09 baseline. Since the publication of the plan the Council had achieved a saving of 3303 tonnes of CO2 and there had been good progress in implementing the 55 identified projects.

**RESOLVED**

That the Monitoring Report be approved.

**30 SCRUTINY REVIEW - RESIDENTIAL PROVISION WITHIN CHESHIRE EAST**

Consideration was given to the final report of the Task and Finish Group who conducted a Scrutiny Review of Residential Provision.

**RESOLVED**

That the report be received and the Health and Adult Social Care Portfolio Holder undertake to come back to a future meeting of Cabinet with a formal response to each recommendation.

**31 NOTICE OF MOTION - CENTENARY OF THE FIRST WORLD WAR AND CONSERVATION OF WAR MEMORIALS**

At the meeting of the Council on 23rd February 2013 Councillors D Flude and C Thorley had submitted a Notice of Motion seeking confirmation that any Council owned war memorials were being conserved to the high standard the public would expect.

Consideration was given to a report setting out the responsibilities of the Council and the work that was being undertaken to ensure that any memorials that were the responsibility were being maintained. The report proposed that the Council work with Town and Parish Councils to establish on going ownership and responsibilities and that consideration be given to events to mark the centenary of World War 1 in 2014.

**RESOLVED:**

That the recommendations as set out in the report be approved

**32 NOTICE OF MOTION - RESPONDING TO ELECTED MEMBER ENQUIRIES**

At the meeting of the Council on 19th April 2012 Councillor G Boston had submitted a Notice of Motion asking the Council to adopt a policy of responding to elected member enquiries in two working days.

Consideration was given to a report on this matter. The Member/Officer relations Protocol stated that Officers should respond to enquiries and complaints in accordance with the Council's standards. Details of the Council's Customer Charter were given.

**RESOLVED**

That the Motion be rejected but that the Council adopt a policy whereby officers will acknowledge emails and correspondence in two days indicating who will be dealing with the matter.

**33 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

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

**34 MANAGING 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 Corporate Management Team to release the employees whose roles are listed in 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 3.40 pm

Signed by.....

Councillor M Jones (Chairman)

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## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August, 2012
<b>Report of:</b>	Lorraine Butcher, Strategic Director Children, Families and Adults
<b>Subject/Title:</b>	Special Educational Needs and Disability Policy
<b>Portfolio Holder:</b>	Councillor Hilda Gaddum

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#### 1.0 Report Summary

- 1.1 The Local Authority has a statutory responsibility to promote high standards and provide services for children and young people who have special educational needs and disability.
- 1.2 The public statutory consultation of the Special Educational Needs and Disability (SEND) Policy commenced on the 1<sup>st</sup> November, 2011 and ended on the 1<sup>st</sup> April, 2012.
- 1.3 The responses from the statutory consultation period and the comments from Children and Families Scrutiny Committee have now been considered and amalgamated into the final SEND Policy.

#### 2.0 Introduction

- 2.1 The SEND Policy is built on the vision that the Local Authority seeks to ensure that 'no child or young person is left behind' and that every child and young person achieves the best possible outcomes.
- 2.2 It sets out the principles, pledge, commitment and the responsibilities for all those involved with Special Educational Needs and Disability provision.
- 2.3 The policy reinforces Children, Families and Adult Services commitment with its partners to continue supporting, maintaining and developing a diversity of high quality, effective, efficient and economic delivered provision to meet the needs of children and young people with special educational needs and disability.
- 2.4 The policy framework applies to all children and young people from birth to age 25 who have special educational needs and disability as defined by the Education Act 1996 and the SEN Code of Practice 2001.
- 2.5 It is important to note that the policy does not make substantial changes to the way that services are currently delivered, but will inform

stakeholders and service users about what to expect and will further support in developing a consistent approach across services.

- 2.6 The publication of the government's Green Paper, '[Support and Aspirations: A new approach to special educational needs and disability](#)', and the supporting document [Support and Aspiration: A new approach to special educational needs and disability - progress and next steps](#) marks the start of a period of consultation and testing in local areas. The SEND policy reflects the main themes and ethos of both papers.

### **3.0 Decision Requested**

- 3.1 To approve and endorse the SEND Policy.

### **4.0 Reasons for Recommendations**

- 4.1 The final SEND Policy has considered all the views from the statutory consultation and made the necessary amendments. A summary of the views captured throughout the consultation is reflected in Appendix A.

### **5.0 Wards Affected**

- 5.1 All

### **6.0 Local Ward Members**

- 6.1 All

### **7.0 Policy Implications**

- 7.1 The SEND Review highlighted the requirement for a Special Educational Needs Disability policy. This has been factored into the SEND Review project plan and the policy has undertaken a statutory consultation process.

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

- 8.1 The cost of the design of the document commissioned to Opening Doors is £2,000. The policy does not make changes to the way services are currently delivered.
- 8.2 The policy seeks to ensure that services are delivered with value for money, which seeks to ensure that services combine to be effective, efficient and economic in their delivery, aligned to the way services are currently delivered.

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

- 9.1 The Local Authority has a range of statutory duties for Special Educational Needs and Disability of which include to:

- Keep under review Local Authority arrangements for Special Educational Needs and Disability provision;
- Identify and assess needs of children and young people with special educational needs and disabilities, and put in place appropriate provision;
- Plan strategically with schools and other significant partners to develop systems for monitoring and accountability for special educational needs and disability;
- Provide quality support and service delivery to schools;
- Develop co-ordinated multi-agency Special Educational Needs and Disability provision;
- Promote high standards in education for children and young people with special educational needs and disabilities;
- Improve accessibility to curriculum, premises and written information for children and young people with special educational needs and disabilities;
- Consult the governing bodies of maintained schools and nurseries in its area for the purpose of co-ordinating Special Educational Needs and Disability provision.

9.2 It is important that any assurances, pledges or guarantees given in the Local Authority's policies, including the SEN&D Policy, comply with the law and are attainable, as:

- failure to achieve them could result in complaints to the Local Authority, the Local Government Ombudsman or the Courts, by the individuals or organisations adversely affected; and
- any such cases and their associated publicity could lead to unnecessary legal costs and harm the Local Authority's reputation.

## **10.0 Risk Management**

10.1 The risks include:

Not fulfilling the Local Authority's statutory duties;

Not delivering the guarantees detailed in the SEND Policy.

## **11.0 Background**

11.1 Cheshire East Children and Families Service began a process of reviewing its arrangements for children and young people with special educational needs and disabilities in April 2010.

11.2 The SEND Review has six key strategic priorities which are outlined below:

- Development of a ASC-specific special school
- Review resourced provision
- Review funding for individual pupils
- Develop a single pathways for access to SEND services
- Develop a SEND Policy
- Review Early Years and Settings

11.3 A key outcome of the SEND review was the need for a SEND policy which outlined a clear statement of intent, ensuring that Cheshire East Council continues to work with its partners to maximise opportunities for children and young people with special educational needs and disability.

11.4 In response, Cheshire East Children and Families Service drafted a SEND Policy, (enclosed as a separate document), which sets out the policy framework within which Cheshire East Children and Families Service and it's partners will maintain and develop provision for children and young people with special educational needs and disability from birth to 25 years of age.

## **12.0 Access to Information**

12.1 Further background papers relating to this report include the:

SEND Policy  
Equality Impact Assessment

12.2 These can be inspected by contacting the report writer:

Name: Fintan Bradley  
Designation: Head of Service; Strategy Planning and Performance  
Tel No: 01606 271504  
Email: [Fintan.bradley@cheshireeast.gov.uk](mailto:Fintan.bradley@cheshireeast.gov.uk)

## Appendix A – Summary Feedback on the Special Educational Needs and Disability (SEND) Policy

After receiving a number of comments via the consultation process and through Cheshire East scrutiny committee the SEND Policy has been amended as follows:

Original Draft Policy & Respondent Comment	Amended to
<p>Original Policy: Effective early intervention is based on a secure assessment of their needs from a range of agencies.</p> <p><i>Comment - I was wondering if the term 'secure assessment' may be open to too much interpretation.</i></p>	<p>Effective early intervention based on an assessment of their needs from a range of agencies</p>
<p><i>Minutes from Scrutiny Committee (Members comments) – It was suggested that it would be useful to put 'the pledge' at the beginning of the document as this was easy to understand and helped put the rest of the policy in context.</i></p>	<p>Moved the Pledge nearer to the front of the SEND Policy, after Introduction and Vision.</p>
<p>The needs of children and young people with special educational needs and disability will be identified early, assessed quickly and matched effectively to appropriate provision.</p> <p><i>Comment - Take out 'assessed quickly'. This comment may be misleading for some readers.</i></p>	<p>The needs of children and young people with special educational needs and disability will be identified early, and matched effectively to appropriate provision.</p>
<p>Original Policy: Formal assessments of a child's and/or young person's special educational needs and disability will be undertaken by the local authority, and all agencies involved will endeavour to do their best to complete these within the recommended timescale.</p>	<p>Formal assessments of a child's and/or young person's special educational needs and disability will be undertaken by the local authority, and all agencies involved will endeavour to do their best to complete these within the recommended statutory timescale.</p>

<p><i>– Comment “If this is a pledge to effectively enable children and young people with SEND to achieve their full potential I would like to see this changed to “will complete these within the recommended statutory timescale” to include a ‘get out clause’ waters down the potency and intent of this pledge”.</i></p>	
<p>Original Policy: Parents/carers will be treated with respect and their and their knowledge will be valued and used to inform the provision put in place for children and young people.</p> <p><i>Minutes from Scrutiny Committee (Members comments) – It was suggested that the wording of this be change to reflect the following “Parents/carers will be listened to and their views treated with respect. Their expertise will be valued and help to inform the provision put in place for children and young people.</i></p> <p><i>Comment - Parents have extensive knowledge of their child and aspirations but that does not make them experts in education. Their knowledge and wishes should be considered and inform the provision but I feel to refer to it as expertise could cause difficulties in deciding upon appropriate provision for the pupil.</i></p>	<p>Parents/carers will be treated with respect and their knowledge will be valued and used to inform the provision put in place for children and young people.</p>
<p>Original Policy: Out of borough placements and residential provision will only be considered when it is clear that the child or young person’s needs cannot be met appropriately in a Cheshire East setting.</p> <p><i>Minutes from Scrutiny Committee (Members comments) – It was</i></p>	<p>Currently checking the wording of the pledge with Legal.</p>

<p><i>suggested that it was necessary to look carefully at the wording of this point in order to protect the Council from legal challenge. It was agreed that it was important to state clearly that the Council would have the final say on whether a child's assessed needs could be met appropriately in a Cheshire East setting or not"</i></p> <p><i>Comment - Out of borough placements should not be a last resort. Out of borough placements should be monitored and if a gap in the education service in the borough is noted, services should be put in place.</i></p>	
<p><i>Comment – I feel the roles and responsibilities should be set out within a tabular format which possibly indicates cross over in responsibilities if these exist. From my understanding, there is sometimes conflict with different agencies about whose responsibility and role something is. This should be clearer within this document and is in far too much detail. For example, providing information could be everyone's responsibility but there will be different aspects and I feel this would be clearer if indicated in a table. I think this would enable you to see at a glance whose responsibility something was, rather than trying to read through every element.</i></p>	<p>As set out in the draft SEND policy, each partner has a clear understanding of their respective roles and responsibilities and although there is some cross over between the LA and schools/governing bodies there is still a clear distinction in terms of duties and roles each holds within the process.</p> <p>To put the roles and responsibilities in to a tabular format may even confuse the reader due to the lack of defined dual roles and responsibilities. From looking at other SEND Policies such as Wigan, Essex, Devon, Hampshire and Bracknell Forest they do not use a tabular format and have defined the various partner roles in a similar format to the draft SEND Policy. Also, the SEN Code of Practice defines each partner role separately and only sets out the role and responsibilities between mainstream schools and maintained schools in a tabular format.</p>

	Other than the comment about 'parents not being the experts' in terms of parent responsibilities we haven't received any further comments regarding the roles and responsibilities section.
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# Special Educational Needs and Disability Policy

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**Special Educational Needs  
and Disability Policy**

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# Special Educational Needs and Disability Policy

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# Executive Summary

Cheshire East Local Authority is pleased to present the Special Educational Needs and Disability Policy, which sets out the framework within which all children and young people with special educational needs and disability, regardless of ability, gender, language, ethnic or cultural origin, are valued.

The Special Educational Needs and Disability policy reaffirms our full commitment with its partners to continue supporting, maintaining and increasing diversity of high quality provision to meet the needs of children and young people with special educational needs and disability, building on our vision 'we work together with children, families and adults ensuring everyone thrives'.

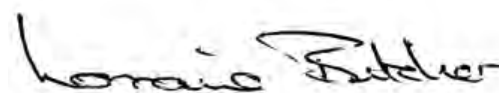
This document sets out the pledge, principles and responsibilities for all those involved in supporting children and young people with special educational needs and disabilities.

We are confident that this Special Educational Needs and Disability Policy will assist us all in developing our work with children and young people with special educational needs and disability.

On behalf of Cheshire East Council, I would like to thank all those engaged in this work.

Most importantly, I would like to assure parents/carers and children and young people with special educational needs

and disabilities of our dedication in seeking to ensure opportunities of the very highest quality will be available to all children and young people with special needs and disabilities in Cheshire East.



Lorraine Butcher,  
Strategic Director of Children, Families  
and Adult Services



# Introduction

## No Child or Young Person is Left Behind

The Local Authority's Special Educational Needs and Disability Policy 2012-15 sets out the actions which will be taken by the Children and Families Service, and our partners, as it seeks to ensure that the needs of children and young people aged 0 to 25 with special educational needs and disabilities are met effectively, and that they have every opportunity to access high quality provision as close to their local community as possible.

The policy defines the roles and responsibilities of service providers and sets out the support that parents, children and young people can expect to receive, as the Local Authority endeavours to ensure that **NO CHILD OR YOUNG PERSON IS LEFT BEHIND** and that every child and young person achieves the best possible outcomes.

# Vision

## Cheshire East Council's vision for Special Educational Needs and Disabilities is:

- To work together to ensure all children have a fair start in life

### The overarching vision for Children and Families is:

- For Cheshire East to be a place where all children and young people are supported well to maximise their life choices
- To provide responsive, locally based services which make sense to children, young people and their families, that addresses their needs early
- To be a place where no child or young person is left behind because organisations do not work together



# Pledge

Children and Families Services pledges to ensure that:

- The needs of children and young people with special educational needs and disability will be identified early, and matched effectively to appropriate provision
- Each child and young person's special educational needs and disability will be identified, recorded and their progress regularly reviewed in a manner consistent with the Code of Practice on SEN 2001
- Formal assessments of a child's and/or young person's special educational needs and disability will be undertaken by the Local Authority, and all agencies involved will endeavour to do their best to complete within the recommended statutory timescale
- Parents/carers will be treated with respect and their knowledge will be valued and used to inform the provision put in place for children and young people

- Children and young people will be listened to and they will have a voice in deciding what happens to them
- Children and young people with Special Educational Needs and Disability will benefit from co-ordinated provision, because services work effectively in partnership with parents/carers and each other
- Quality support will be provided for parents/carers, settings and schools
- The curriculum will be suitably differentiated and/or supported to ensure that there are clear objectives and targets which are appropriate for the child or young person
- Schools will use their resources effectively, and where necessary seek external specialist support where appropriate, children and young people with Special Education Needs and Disability will be provided for in a local school alongside his or her peers in a local setting
- There is effective transition from one

phase to the next in collaboration with Children and Families Services, parents/carers and external agencies working together

# Principles

Our vision is underpinned by a number of principles that guide the provision and commissioning of services for children and young people with special educational needs and disabilities.

Children and young people in Cheshire East with special educational needs and disabilities have an entitlement to:

- Effective early intervention based on an assessment of their needs from a range of agencies
- Quality first teaching, wherever possible in a mainstream school, that is as close to their home as possible
- Specialist provision if their needs cannot be met in a mainstream school
- Provision which gives best value for money at the right time in the right place
- Support from services and agencies which work well together to provide the right service, at the right time, in the right way
- Services which listen and involve them in decisions about matters which directly affect them

- Services which involve their parents/carers as equal partners in their education
- Quality special educational needs and disability information, which is easy to find, up to date, relevant and available in a range of formats
- The right support as they make the transition from one setting to the next, into the world of work and into supported or independent living





# Scope of the Policy

This policy applies to all children and young people in Cheshire East between the ages of 0-25 who have Special Educational Needs and Disability and to whom the Authority has a statutory obligation as defined by the Education Act 1996, its associated regulations and the SEN Code of Practice (2001).

The policy promotes equality to all pupils and their families whatever their gender, ethnic origin, home language, religion, disability or social circumstances.

This policy also has implications for all our partners in the Special Education Needs and Disability process, i.e. schools/colleges, independent specialist providers, governing bodies, parents/carers and statutory/voluntary agencies.





# Definitions

For the purpose of this policy the definitions provided in this section are taken from the Special Educational Needs Code of Practice 2001 and from the Equality Act 2010.

“Children and Young people aged 0-25 with additional needs” is a broad term used to describe all those at risk of poor outcomes as defined by the “help children achieve more” agenda (replacing the “Every Child Matters” outcomes).

An estimated 20-30% of children have additional needs at some point in their childhood, requiring extra support from education, health or social care. This could be for a limited period, or on a long term basis.

Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.

Children have a learning difficulty if they:

- a) Have significantly greater difficulty in learning than the majority of children of the same age and/or
- b) Have a disability which prevents or hinders them from making use of educational facilities of a kind provided for children of the same age; and
- c) Are under compulsory school age and fall within the definition of (a) or (b) above, or would do so if special educational provision was not made for them.

Children and young people must not be regarded as having a learning difficulty solely because the language or form of language of their home is different from the language in which they will be taught.

Special educational provision means:

- a) For children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the Local Authority (other than special schools in the area); and
- b) For children under two, educational provision of any kind (Educational Act, 1996).

## Special Educational Needs and Disability Policy

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The Equality Act 2010 defines a person with a disability as someone who has “a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities”.

For the purpose of deciding whether a child or young person is disabled, a long-term effect of an impairment is one:

- which has lasted for at least 12 months; or
- where the total period for which it lasts, from the time of first onset, is likely to be at least 12 months; or
- which is likely to last for the rest of the life of the child or young person affected (Equality Act, 2010)

‘Physical impairment’ includes sensory impairment and mental impairment including learning difficulties and an impairment resulting from, or consisting of, a mental illness. The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments and Attention Deficit Hyperactivity

Disorder (ADHD). Pupils with severe disabilities are also covered by the Equality Act 2010, as are those with progressive conditions that are likely to change over time such as cancer.

Many, although not all, children and young people with a disability will have a special educational need if they have difficulty accessing education or if they need special educational provision to be made for them.

The term Learning Difficulties and/or Disabilities (LDD) is used to refer to individuals or groups of learners who have either a learning difficulty in relation to acquiring new skills or who learn at different rates to their peers and who have a disability as defined under the Equality Act 2010.

The terms Special Educational Needs and Disability and LDD are often used interchangeably. However, for the purposes of this policy, children and young people with Special Educational Needs and Disability includes children with LDD, but does not exclusively make up this vulnerable group.

# Cheshire East - Context

Cheshire East Council came into being in April 2009, when Cheshire County Council was disaggregated and two new unitary authorities were formed.

The Children's Act 2004 placed a new duty on agencies to co-operate to improve outcomes for children and young people and established new Children's Services Authorities, the new Cheshire East Children and Families Service was established in September 2009.

Cheshire East has a diverse rural and urban profile. The area is classed as significantly rural, with more than half the population living in rural or rural market town areas. The other eight towns, although urban, have outskirts which contain areas classified as more rural than urban.

The population in Cheshire East has steadily increased over the past nineteen years, from 340,500 in 1991 to 363,800 in 2010 – an increase of 7%.

The age profile of Cheshire East is slightly older than that of England & Wales. In 2010, 6% of Cheshire East's residents were aged under 5, 11% were

aged 5 to 14, 12.1% were aged 15 to 25 and 19% were aged 65 or more.

The number of children (aged 0-15) in 2010 has increased marginally (235) since 1991, to 65,800 in Cheshire East; however, whilst numbers have increased by 9% in Crewe & Nantwich they have decreased by 3% in Congleton and 4% in Macclesfield. It is forecast that by 2029 there will be around 4% fewer children living in Cheshire East than there were in 2009 whilst the number of people aged 85 or above will have doubled within the same period.

Educational attainment among school pupils in terms of achieving 5 or more GCSE grades at A\*-C grade is above the national average. Cheshire East schools generally perform well; children get off to a good start with a large percentage of childcare establishments, nursery education and primary schools judged to be better than similar areas and better than standards found nationally.





## Special Educational Needs and Disability Policy

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### Key Strategies and Priorities

The following documents provide strategic direction to the policies of the Children and Families Service:

The Cheshire East Sustainable Community Strategy 2010-2025

The Cheshire East Council Corporate Plan

The Children and Families Service Plan

The future pattern of provision, including support and outreach services for children and young people with Autism Spectrum Conditions (ASC) and/or Behavioral, Emotional and Social Development (BESD) is under review.

### The Special Educational Needs and Inclusion Team

The Special Educational Needs and Inclusion Team discharge the Local Authority's statutory responsibilities for children and young people with special educational needs and disabilities.

The team consists of:

- Special Educational Needs and Disability Assessment and Monitoring Team
- Educational Psychology Service
- Sensory Inclusion Service (Vision and Hearing Support)
- Early Years Service
- The Child Development Service
- Autism Support Team
- Medical Needs

### Children and Families Approach

Cheshire East Children and Families Service has developed Levels of Need model in partnership with the Local Safeguarding Children Board (LSCB) and the Cheshire East Children's Trust.

The model is designed to support practitioners to make sure children and young people are helped to access the right help at the right time, based on an assessment of their needs. The model identifies the four levels of need as Universal, Targeted, Complex and Specialist.







# National Context

## Cheshire East Parent's and Carers' Voice

This parental support group has produced a report entitled "The Parents Perspective on Special Education in Cheshire East", providing insights into their children's experiences of special educational needs in their schools, and provided some recommendations for action.

## Legislative Framework

The Local Authority must provide services for children and young people with SEND in line with the statutory framework as set out in:

- Special Educational Needs Code of Practice 2001
- Education Act 2002
- Education Act 1996
- Education and Inspections Act 2006
- Education and Skills Act 2008
- Apprenticeships, Skills, Children and Learning Act 2009
- Equality Act 2010
- Associated Regulations

## National Policy Framework

The policy is also governed and informed by the following national policies and guidelines:

- Supporting young people with learning difficulties to participate and progress, DfE (2010a)
- Ofsted Common Inspection Framework for Further Education and Skills, 2009
- Healthy Lives, Brighter Futures; The Strategy for Children and Young People's Health, 2009
- Aiming High for Disabled Children: better support for families, May 2007
- Improving the Life Chances of Disabled People, 2005
- National Service Framework for Children and Young People and Maternity Services, 2004
- Removing Barriers to Achievement - The Government's Policy for Special Educational Needs and Disability, 2004
- Inclusive Schooling - Children with Special Educational Needs, Guidance 2001
- REACT 2010 Commissioning Funding and Funding for 16-19 Education and Training - High Level Guide for Local Authorities
- Young People's Learning Agency (YPLA) Placement Technical Guidance for Independent Specialist Providers, 2011/12
- Assessments Relating to Learning Difficulties, 2010





## Government Reviews

The policy is also influenced by strategic developments of the following Government reviews:

- Ofsted Review Special Educational Needs and Disability, 2010
- Salt Review, 2010
- Lamb Inquiry, 2009
- Bercow Review, 2008
- Rose Review, 2008
- Aiming High for Disabled Children, 2008
- Learning for Living and Work Framework, (LflW) 2010
- The green paper, Support and aspiration: a new approach to special educational needs and disability, 2011



# Local Authority - Roles and Responsibilities

The Local Authority has a number of key statutory responsibilities which are set out in this section of the policy.

## Providing Information

The Local Authority has a responsibility to provide information as set out under Schedule 2 of the SEN Regulations to:

- Promote high standards of education for children and young people with special educational needs and disabilities
- Encourage children and young people with special educational needs and disabilities to participate fully in their school and community to take part in decisions about their education
- Encourage schools in their area to share their practice in providing support for children and young people with special educational needs and disabilities
- Work with other statutory and voluntary bodies to provide support for children and young people with special educational needs and disabilities

## Identifying Children with Special Educational Needs and Disabilities

The special educational needs and disabilities and Inclusion Team and the Early Years Team work on an ongoing basis with health services, settings, schools and a range of agencies.

The team identifies children with special educational needs and disabilities of all levels of intervention, taking into account the action taken by the setting or school, and the progress made by the child and young person, in accordance with the SEN Code of Practice.

## Monitoring the Admission of Children with Special Educational needs and Disabilities to Maintained Schools

The schools admission team is responsible through the admissions forum for setting out the Local Authority's policy in relation to the admission of children with special educational needs and disabilities and

our response, where this gives cause for concern or complaint.

The Special Educational Needs and Disabilities Assessment and Monitoring team are responsible for the admission to school of a child with a statement of Special Educational Needs. The procedure followed is in accordance with schedule 27 of the Education Act 1996.

The Local Authority Admissions Team and the Special Educational Needs and Disabilities and Inclusion team liaise to address concerns relating to admissions procedures and timescales.

The percentage of statements amended by 15th February each year for phase transfers is monitored and action taken where needed by the Special Educational Needs and Disabilities Assessment and Monitoring team.

## Organising the Assessment of Children's Special Educational Needs

Organising the assessment of children's special educational needs under section 323 of the Education Act 1996





is carried out by the Special Educational Needs and Disabilities Assessment and Monitoring team, in accordance with guidance in Sections 7 and 8 of the SEN Code of Practice 2001.

In 2007 the Local Authority introduced a funding mechanism called Individual Pupil Funding (IPF). IPF is a funding stream for children and young people who in the past would have undergone a statutory assessment. IPF still acknowledges where the child has needs beyond the level which can be reasonably be funded through the school budget. IPF is currently under review.

### **Organising the Making and Maintaining of Statements including any Local Protocols**

This is carried out in accordance with guidance in Sections 7 and 8 of the SEN Code of Practice 2001, by the Special Educational Needs and Disabilities Assessment and Monitoring team.

### **Providing Information for Parents/Carers, Settings and Schools**

Information for parents of children and young people with Special Educational Needs and Disabilities is provided through the Parent Partnership Website.

The Family Information Service provides a range of impartial leaflets for parents as well as links to other useful local and national organisations.

Cheshire East's Special Educational Needs and Disability and Inclusion team provide a range of published resources which sets out the Local Authority's information in relation to Special Educational Needs and Disability provision for children and young people.

Pre- and post-16 institutions and other agencies provide information and guidance for parents/carers and young people.

Information on the process for the Post 16 Independent Specialist Provider Placement Procedure is provided to parents, carers, schools, and specialist

providers. This procedure outlines the process for new and existing placements at an Independent Specialist Provider. Educational placements are commissioned by the Local Authority for young people with learning difficulties and/or disabilities, who are subject to a learning difficulty assessment, who are over compulsory school age but under the age of 25.

### **Securing Training, Advice and Support for Staff working with Special Educational needs and Disabilities**

The Local Authority provides a learning and development programme aligned to local and national priorities. This programme includes:

- Special Educational Needs Co-ordinators (SENCO) Networks – induction for new SENCOs
- National training programmes – Ofsted 'SEN in Mainstream Schools' and 'Judging the achievement of children with Profound and Multiple Learning Difficulties'

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- Targeted use of resources to support specific training programmes e.g. moving and handling, medical needs in school, Communication Aids Project, Let's Talk Project
  - Signpost support for tailored development programmes aligned to specific aspects of Special Education Needs and Disability e.g. Dyslexia-friendly schools, Associate Member of the British Dyslexia Association
  - Training for staff working with children and young people on the autistic spectrum continuum
  - School-based training aligned to identify developmental needs in individual schools or groups of schools
  - Guidance to schools on entitlement to additional support
  - Learning development programme for early years Special Educational Needs and Disability consultants
  - Family Support Workers carry out a Bridging Worker role for children and young people with disabilities who require after school provision
  - Statutory Assessment and Monitoring Team support and advice to SENCOs who are new to the post in statutory procedures and IPF requirements
- In addition, an integrated Workforce Development training plan, as detailed in the Early Years Foundation Stage (EYFS), has been drawn up to address the needs of the practitioners from the different early years providers. The plan covers ten priority areas for training.

### Planning and Reviewing Provision for Pupils with Special Educational needs and Disabilities

The Local Authority is expected to keep its pattern of provision for special educational needs under review.

A comprehensive review was undertaken in 2005-2006 and a new pattern of provision for special educational needs and disabilities was agreed by the Local Authority. The Local Authority is currently undertaking a review of special educational needs and

disabilities provision and has identified interim key priorities for improvement.

The Local Authority's strategy for Monitoring, Challenge, Intervention and Support for settings and schools promotes high standards of education and well-being for all children and young people, and sets out how we will ensure that settings and schools make inclusive provision for children with special educational needs and disabilities.

### Reviewing and Updating Special Educational needs and Disabilities Policy and Development Plans

The special educational needs and disabilities Policy will be reviewed on a 3-year cycle.

The Children and Young People's Plan objectives, targets and milestones are reviewed annually.

The special educational needs and disabilities action plan will be reviewed on a 3-year cycle. This action plan has



been developed by the Local Authority and its partners to develop and implement an integrated approach to the delivery of services for children and young people with special educational needs and disabilities, with the aim of improving outcomes.

### Auditing and Monitoring Performance

The special educational needs and disabilities database is monitored quarterly to provide management information relating to children with special educational needs and disabilities. The Monitoring and Intervention Manager (in the Children and Families Quality Assurance Team) and the Principal Manager for special educational needs and disabilities monitor the effectiveness of provision through a range of indicators. Specialist Services contribute to this process through:

- Monitoring and review of locality action plans to improve service delivery and outcomes for children and young people

- Annual meetings with Education Improvement Partnerships to agree how best to support and advise settings and schools
- Service involvement in individual casework and in developing the capacity of mainstream schools to better meet the needs of children with special educational needs and disabilities
- Attendance at annual reviews of children with IPF and statements of special educational needs and disabilities
- Monthly IPF panel meetings to allocate additional resources
- Half-termly educational psychology group consultations
- Weekly operational meetings of the Special Educational Needs and Disabilities Assessment and Monitoring Team to monitor, review and allocate a range of resources
- Bi-annual quality assurance board to ensure the consistency and quality of statements of special educational needs and disabilities

(as recommended in the Lamb Inquiry 2009)

The Special Educational Needs and Disabilities Assessment and Monitoring Team provides data in line with the national performance indicators for the completion of Statutory Assessments within the expected time limits of 26 weeks. This is provided in June, based on the previous financial year, and published in November by the DfE.

Cheshire East Council completes a self-evaluation of special educational needs and disabilities provision, performance and progress and this is reviewed with the Children and Families Senior Management team on a quarterly basis.



## Challenge and Intervention

The Local Authority must monitor, challenge, intervene and support schools in making provision for children with special educational needs and disabilities. Schools are monitored to ensure that the local authority is able to account for the money which it delegates and spends itself in connection with schools, and gives best value for money. The Children and Families Service through the Quality Assurance Team's Monitoring and Intervention Service and its other Service Groups acts as the 'critical friend'; both supporting schools and settings in what they do well, and challenging them, when appropriate, to do better.

This requires:

- A detailed analysis of all performance data related to standards, wellbeing and finances;
- Close knowledge of the current picture gained through regular visiting to targeted schools, with the school's agreement;
- A good grasp of a school's aspirations including its plans and targets;

- A system of regular meetings of those with knowledge and understanding of the schools

If there is an issue with a school regarding the quality of special educational needs and disabilities and or inclusion, further investigation and challenge will take place. This will be undertaken by the Monitoring and Intervention Officer from the Special Education and Inclusion Team or an external specialist adviser. The investigation will take the form of one or all of the following:

- Immediate communication
- School visit
- Paired visit
- Focused review
- Themed review

If, following the monitoring review, serious and/or chronic concerns around special educational needs and disabilities and/or inclusion is evident, a focused review will take place. This will occur with one to three days' notice.

## Providing Education and Training Post 16

For the majority of young people (over the age of 16) who have learning difficulties and/or disabilities, education and training provision will be delivered in a mainstream setting.

Local Authorities have a duty to secure enough suitable education and training to meet the reasonable needs of persons who have special educational needs and disabilities who are over compulsory school age, but under 19, as well as for those aged 19 or over but under 25, who are subject to a learning difficulty assessment (section 15ZA of the Education Act 1996, inserted by the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009).

Local Authorities have existing duties to encourage, enable and assist the participation of all young people with learning difficulties and/or disabilities up to 25 years and also in respect of transport arrangements. It is important that all of these duties are aligned with the interests of the learner.



The Cheshire East Independent Specialist Provider Placement Procedure 2011/12 provides information in relation to the small number of young people in receipt of a learning difficulty assessment whose education and training needs can only be met by an independent specialist provider.

Local Authorities have a statutory duty as defined in Section 80 of the Education and Skills Act 2008 to undertake assessments relating to learning difficulties.

### **Providing Boarding Accommodation Post – 16**

Section 46 of the Apprenticeships, Skills, Children and Learning (ASL) Act 2009 provides Local Authorities with the power to secure boarding accommodation for persons who are over compulsory school leaving age but under 25 and subject to a learning difficulty assessment.

The following documents provide guidance and documented procedures in line with national policy to facilitate and record placement decisions for

provision at independent specialist providers, for young people aged 19 but not yet 25, with a learning difficulty assessment. They can also be used to communicate the procedures to young people, their parents, carers and advocates, referring agencies, schools, colleges and independent specialist providers.

- YPLA's Placement Information: Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2011/12
- Cheshire East Council's Independent Specialist Provider Placement Procedure 2010/12







# Schools and Parents/Carers Roles and Responsibilities



This section sets out the role and responsibilities schools, parents and carers have for children and young people with special educational needs and disabilities.

## Schools Must:

- Ensure that the 5% notional funding provided for special educational needs and disabilities is used to deliver the necessary provision for any pupil who has special educational needs and disabilities
- Inform the pupil's parents/carers that special educational provision is being made for them because they have special educational needs and disabilities (i.e. they are being supported at School Action of the SEN Code of Practice)
- Ensure that parents/carers have knowledge about the special educational needs and disabilities provision that the school makes, and that they are able to make their views known about how their child is educated and have access to information, support and advice regarding their child's special educational needs and disabilities
- Ensure that, where the responsible person - the head teacher and the appropriate governor - has been informed by the Local Authority that a pupil has special educational needs and disabilities, those needs are made known to all who are likely to teach/support them
- Ensure that teachers in the school are aware of the importance of identifying, and providing for, those pupils who have special educational needs and disabilities
- Ensure that a pupil with special educational needs and disabilities joins in the activities of the school together with pupils who do not have special educational needs and disabilities. The school must do this so far as is reasonably practical and compatible with the child receiving the special educational provision required by their learning needs, in relation to the efficient education of the pupils with whom they are educated, and the efficient use of resources
- Work in partnership with the Local Authority and the governing bodies of other schools, when it seems to be necessary or desirable, in the interests of co-ordinating special educational provision in the area as a whole
- Have a written special educational needs and disabilities policy containing the information as set out in the Education (Special Educational Needs) Regulations 1999 (reproduced in the SEN Code of Practice), and report to parents on it in the school prospectus, including the name of the person responsible for coordinating special educational needs and disabilities provision
- Have regard to the SEN Code of Practice, which is designed to help schools make effective decisions, but does not set out what to do in each individual case



### Performance Information

In order to support the Local Authority in its role of monitoring, challenging and supporting schools in making provision for children with special educational needs and disabilities, schools should maintain the following information:

- Recent OFSTED inspection reports
- Fischer Family Trust/school data
- Self-Evaluation Form judgements about all aspects of provision
- School's strategic plan
- Analysis of trend data and moving averages (very important for schools with small cohorts)
- Analysis of pupil progress data matching individual pupils' results between key stages
- Exclusion and attendance data
- SEND policy, process and protocols
- Financial data including open and transparent information about how the notional 5% SEND funding is spent

- Visits/information available from any other Service Group including - Human Resources, Specialist Support Services and the Parent Partnership Service

- Human resources data

### Provision for Children with Statements

For children and young people with special educational needs and disabilities for whom the Local Authority maintains a statement, schools must:

- Use the funding allocated by the Local Authority to deliver the provision specified in statements
- Monitor the child and young person's progress against the objectives as set out in the statement
- Initiate the annual review of the statements, ensure that all relevant representatives are invited to the review meeting and provide a report to the Local Authority no later than 10 days after the annual review or the end of term, whichever is earlier

### The Duty to Promote Equality - Disability Equality Scheme

From 2007 schools must publish a three-year equality scheme or plan showing how they will promote equality of opportunity for disabled pupils, staff and those for whom they provide services. They must also publish an annual action plan showing how they are implementing their scheme. A school's equality plan should show:

- How people with an interest in the plan have been involved in its development
- The methods for assessing the impact of policies and practices on equality for disabled persons
- The steps that will be taken to promote equality of opportunity for disabled people
- The effect of policies and practices for disabled people, including information on recruitment, development and retention of disabled employees



- Educational opportunities for, and achievements of disabled pupils
- The arrangements for making use of this information to help promote equality of opportunity

Plans for children and young people with special educational needs and disabilities

- The SENCO receives appropriate training and has the time to carry out their role and responsibilities

### Responsibilities for Governing Bodies

Governing bodies have a responsibility to ensure that:

### Planning

Schools should plan well and make good provision for pupils with special educational needs and disabilities by ensuring:

- Outstanding quality first teaching
- Learning targets for individual pupils are identified
- Additional or different provision from the differentiated curriculum is planned and offered to all pupils
- That special educational needs and disabilities provision is reviewed in light of individual pupil progress
- That if a school has a policy of planning, target setting and recording the progress of all pupils, as part of personalised learning, then there is not a need for the school to write Individual Education

- The school has a Special Educational Needs and Disability policy which includes the arrangement for both the identification and provision for special educational needs and disabilities, and that this information is available to parents
- The necessary provision is made for any pupil who has special educational needs and disabilities through school action or school action plus
- A member of the governing body is named as the 'responsible person' for special educational needs and disabilities
- Teachers in the school are aware of the importance of their responsibility for identifying and providing for special educational needs and disabilities pupils



### Other Responsibilities for Headteachers and Teachers

In addition to many of the responsibilities outlined above, head teachers and teachers have a responsibility to ensure that:

- The school's special educational needs and disability policy is implemented in line with requirements of the current legislation
- Staff attend appropriate in-service training to meet the needs of children and young people with special educational needs and disability
- Arrangements are in place to report on the use of SEND funding to the Governing Body and that systems are in place for setting, monitoring and reviewing Individual Education Plans (IEP's) and Individual Behaviour Plans (IBPs) and reviews of Statutory Statements.

- Visits by the Local Authority's are facilitated, when requested, and pupil records are made available for inspection, for those children at School Action, School Action Plus and with Statements.
- High standards of special educational needs and disabilities provision are promoted.
- Children with special educational needs and disabilities are encouraged to access and participate in learning in a setting or school as close to their home as possible.

### Responsibilities for Parents

Parents are responsible for ensuring that their child receives full time education suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.

Parents of pupils with statements of special educational needs and disabilities have a right to express a preference for school placement

They also have the right to appeal to the First Tier Special Educational Needs and Disability Tribunal if, it is not possible to reach an agreement with the Local Authority regarding appropriate special educational needs provision

If parents/ carers have any concerns or questions about this process, or disagree with any part of the statement, advice or support is available from the Local Parent Partnership Service. In addition, they can contact Global Mediation Ltd, which is an independent service set up to help resolve or prevent disagreements between parents/ carers and the Local Authority

Using either of these services does not prevent an appeal to the First Tier Tribunal Special Educational Needs and Disability and their rights are not affected. An appeal to the Tribunal can run at the same time as any disagreement resolution

Parents/carers can also request a copy of the school's published complaints policy which sets out the formal complaints process for the school community



## **The Management of Special Educational Needs and Disabilities Funding**

Funding for special educational needs and disabilities is provided through the Dedicated Schools Grant (DSG). The Local Authority currently retains 8.34% of DSG. Part of this funding supports the Local Authority's statutory responsibilities for school age children and young people. Delegated budgets which are devolved to schools, which are funded from DSG also contain funding to meet the school's statutory responsibilities for children and young people. The DSG funding contains a notional element for special educational needs and disabilities. The Local Authority also receives funding from the Early Intervention Grant which funds early year's provision and support for special educational needs and disabilities.

## **The Notional Special Educational Needs and Disabilities Budget**

The notional SEN budget comprises 5% of the relevant parts of schools budgets plus a General Special Needs Allowance (GSNA) which has been delegated on an attainment-based formula. These are

represented by amounts 'A' and 'B' on the school's Special Educational Needs and Additional Educational Needs statement. Together these budgets are the notional amounts intended for 'Level 1' intervention and support at School Action and School Action Plus. Early and effective use of this resource for additional and different interventions should enable pupils to progress and increasingly prevent the need for additional resource at levels 2 & 3 under Individual Pupil Funding (IPF).

Depending on the number and type of children with special educational needs and disabilities, many schools will need to spend more than this total figure for children and young people at School Action and School Action Plus. The 5% budget amount and the GSNA should not be regarded as a limit; it is intended to support the schools evaluation of Special Educational Needs and Disability spending. Some authorities, for example, have suggested a notional figure of 7% of budget.

Expectations of effective interventions and support at Level 1 are set out in the IPF handbook.

The Local Authority has a notional budget to secure suitable education and training

for young people aged 16-25, with a learning difficulty assessment, which will be used to contribute to:

- The learning costs of continuing and new learners with high level specialist needs in placements in Independent Specialist Providers commissioned by the Local Authority;
- Learning support costs of continuing and new learners with high level support needs in placements commissioned by the Local Authority, through special arrangements with mainstream providers;
- Actual learning support costs for continuing and new learners in a General Further Education College, where the costs of additional learning support are over £19,000

In practice this means that the Local Authority works closely with the Young Peoples Learning Agency (YPLA) to ensure that all commissioning decisions, for all learners, take into consideration the YPLA national budget available. There is also a duty to ensure that the placement process is managed collaboratively and the funding is used with equity and transparency.

### Individual Pupil Support

Many schools will receive delegated funding (amount 'C') allocated via statements for classroom assistant hours, or via Individual Pupil Funding (IPF). IPF is only provided to support pupils with the longest standing most complex needs who in previous years would have required a Statement.

One of the key criteria is the range and effectiveness of Level 1 interventions through the graduated response, which in many cases will prevent the need for additional resource under IPF.

Once IPF is agreed, it is transferred quickly to schools and should be used flexibly, rather than necessarily funding individual Teaching Assistant support.

There continues to be pressure on the teaching assistant budget and there is an ongoing review by the Authority into the overall approach to SEN funding and provision to ensure Value for Money within allocated resources.

Some primary schools are designated as specially resourced for Autism, Hearing Impairment, Complex MLD or BESD.

These schools receive an additional resource in the form of a "lump sum" to support their additional responsibilities. Resource provision is currently being reviewed as part of the special educational needs and disabilities review.

### Other Budgets for use at School Action and School Action Plus

Secondary schools receive a lump sum for the development of inclusion resource provision which is intended for early, targeted intervention for a range of vulnerable pupils including those with learning needs or behavioural needs.

They also receive funding for Additional Educational Needs (AEN). Whilst in some cases schools may be targeting support for specific groups, e.g. pupil mobility or English as an Additional Language (EAL), the Audit Commission has advised that, given the correlation between deprivation and SEN, many schools will use some of this funding to add to general SEN spending detailed in section 1 above.

### Other Funding Available for SEN

Over recent years the Age Weighted Pupil Unit (AWPU) has grown due to the addition of specific amounts for personalisation. Whilst some of this has been delegated through the notional SEN budget described in section 1 above, the remainder has been allocated as part of general AWPU.

In 2010-11 some schools received funding from national primary and secondary strategies to support intervention programmes for groups who are making less progress. The relevant amount included in the 2011-12 budget, and in future budget delivery, is no longer ring fenced and is included in the 'Source of Funds – Supplementary Information' statement.

The same applies to the relevant amount previously received as School Development Grant, some of which has previously been used for staff development relating to SEN and Inclusion and/or specific projects to develop new approaches.



In some Education Improvement Partnerships (EIPs) there have been agreements to jointly fund specific activity and development particularly for outreach and staff development around SEN inclusion.

The Local Authority retains DSG funding to support a range of special educational needs and disabilities activities related to the statutory responsibilities defined in the SEN Code of Practice.

School transport may be provided for pupils due to the complex nature of their special educational needs which prevents them from either walking to school or using multi-occupancy vehicles. The Local Authority's Complex Special Needs Transport Policy sets out entitlement to transport on complex/special needs grounds and is reviewed annually.

### **Evaluating Impact of SEN Spending – Audit Commission Value for Money Toolkit**

As part of their self evaluation of the effective use of funding and ensuring successful outcomes for children, schools are strongly advised to use the Audit Commission on-line self-evaluation tool to evaluate the use of their budget for vulnerable children and the impact this is having on their progress.

The DfE is concerned about the national growth of delegated resource for SEN and the lack of detailed evaluation evidence across schools, local authorities and nationally of the impact of SEN spending on outcomes for individual pupils. The inspection framework introduced in January 2012 will enable inspections to make a judgement on the impact of expenditure on pupil outcomes.



# Equality

All new policies, services and functions should be subject to an equality impact assessment (EIA).

The Equalities Act 2010 requires an assessment of impact, both positive and negative; to be made using robust data on the following protected characteristics:

- Age
- Sex
- Disability
- Religion and Belief
- Gender reassignment
- Race (language barriers are seen as a race issue)
- Socio-economic disadvantage
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity



# Glossary



<b>ADHD</b>	Attention Deficit Hyperactivity Disorder	<b>IBP</b>	Individual Behaviour Plan
<b>AEN</b>	Additional Educational Needs	<b>IEP</b>	Individual Education Programme
<b>ASC</b>	Autism Spectrum Conditions	<b>IPF</b>	Individual Pupil Funding
<b>ASCL Act</b>	Apprenticeships, Skills, Children and Learning Act 2009	<b>LDD</b>	Learning Difficulty and Disability
<b>AWPU</b>	Age Weighted Pupil Unit	<b>LLDD</b>	Learners with Learning Difficulties and/or Disabilities
<b>CEAT</b>	Cheshire East Autism Team	<b>MLD</b>	Moderate Learning Difficulties
<b>CYP</b>	Children and Young People	<b>SENCO</b>	Special Educational Needs Coordinator
<b>CYPP</b>	Children and Young People's Plan	<b>SEND</b>	Special Educational Needs and Disability
<b>DfE</b>	Department for Education	<b>YPLA</b>	Young People's Learning Agency
<b>DSG</b>	Dedicated School Grant		
<b>GSNA</b>	General Special Needs Allowance		



# Appendix 1 – SEND Early Intervention Model Based on Level of Need

## Universal

- Quality first teaching (every teacher is a teacher of SEND)
- Fund school notional 5%
- Ofsted
- Inclusion development programme strands 1-4
- Information for parents
- Family Information Service
- All pupil voice
- Complaint procedure
- Reasonable adjustment
- Statutory compliance – sen code of practice, Equalities act 2010
- School 2 school support
- Transition review

## Targeted

- Advice and guidance - SENCO
- Parent partnership service
- Individual Education Plan / Individual Behaviour Plan
- School Action and funded at school level with the notional 5%
- Early years school action
- CEAT
- SEN Register
- Opportunities for families to share success and challenges
- Clear, helpful advice
- Pre-CAF
- EWO's
- Access to local quality assurance team
- Parent partnership service
- Half termly SEND reviews

## Complex

- School action plus where more than one agency is involved
- CAF Process
- Additional funding supplied above the 5% notional budget is provided using agreed funding criteria (IPF)
- Access to statutory assessment process
- Access to specialist services
- Access to multi professional team
- Access to out of year admissions protocol
- Learning difficulty assessment 19 - 25
- Individual specialist educational placement
- Mediation, parent partnership, multi professional team
- Half termly review

## Specialist

- Statement of special educational needs
- Resourced provision place
- Special school place
- PRU
- Travel arrangements in accordance with the SEND policy
- Residential provision
- Learning difficulty assessment 19 – 25
- Individual specialist educational placement
- Statutory annual review
- Transition plan
- Access to statutory appeals process
- Mediation, parent partnership, multi professional team



**Special Educational Needs  
and Disability Policy**

0 - 25 Years | 2012 - 2015



# Contacts

Cheshire East have a Special Educational Needs and Disability web page, please go to;  
[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

## **The Child Development Service**

Oaktree Children's Centre  
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or

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## **SEND Assessment and Monitoring Team**

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## CHESHIRE EAST COUNCIL

### Cabinet

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**Date of Meeting:** 20<sup>th</sup> August 2012  
**Report of:** Strategic Director of Places and Organisational Capacity  
**Subject/Title:** Cheshire Homechoice Common Allocations  
Policy Review  
**Portfolio Holder:** Councillor Jamie Macrae

---

#### **1.0 Report Summary**

- 1.1 This report presents proposed changes to the Cheshire Homechoice Common Allocations Policy.

#### **2.0 Decision Requested**

- 2.1 To approve the revised Cheshire Homechoice Common Allocations Policy.

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

- 3.1 The Review of the Cheshire Homechoice Allocations Policy has been completed, having gone through a 12 week period of consultation which ended on the 22nd June 2012. This report outlines the proposed changes to the policy and seeks the approval of Cabinet.

#### **4.0 Wards Affected**

- 4.1 All wards

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

- 5.1 All Local Ward Members

#### **6.0 Policy Implications including -**

- 6.1 **Carbon reduction - none**

- 6.2 **Health**

Housing is fundamental to the well being and prosperity of the Borough. There are direct connections between access to affordable, sustainable housing and health, educational attainment, carbon reduction and care for older people. The policy review aims to ensure that access to limited social housing stock is fair and transparent.

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

- 7.1 There are no financial implications in relation to the implementation of the policy. No changes are proposed to the current financial arrangements for the Cheshire Homechoice Partnership that delivers the Choice based lettings service.
- 7.2 The implementation of Enhanced Housing Options will require additional ICT. There is an existing capital allocation to fund the required module to which partners have contributed.

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

- 8.1 Under Part VI of the Housing Act 1996 (as amended by the Localism Act 2011 on the 18<sup>th</sup> June 2012) local authorities are required to have an allocations policy and procedure in place in order to allocate social housing and under Part VII of the Housing Act 1996 (as amended by Homelessness Act 2002) to make provision for homeless households.

**9.0 Risk Management**

- 9.1 The approval of the reviewed Cheshire Homechoice Common Allocations Policy will ensure that improvements are made in line with lessons learnt; updates in legislation and the latest government guidance to the allocation of social housing across the partnership.
- 9.2 The continuous improvement of the allocations policy is a fundamental part of ensuring the efficient implementation of choice based lettings.

**10.0 Background**

- 10.1 Cheshire Homechoice had been operating effectively for 2 years. However there were some areas of the allocation policy that needed improving or reviewing in the light of lessons learnt and proposed changes in the Localism Bill.
- 10.2 The review has been conducted alongside the passage of the Localism Bill through the House of Lords through to enactment . Three representatives from the Homechoice Partnership attended a day-long Seminar in London organised by the Housing Quality Network where eminent barristers who specialise in Housing Law gave their recommendations for reviewing allocations policy in line with changes in the Localism Act.
- 10.3 The Homechoice Board have given strategic direction to the review. A working group made up of operational officers from each of the partners was set up and have worked through the policy suggesting amendments for approval by the Board and then drafting the changes to the policy in response to the Board's requirements.



- 10.4 A Housing event was held on 8 November 2011 for Members and Registered Provider Board members. Proposed amendments to the allocations policy were presented in interactive workshops. The feedback report from the workshops can be obtained from the report writer.
- 10.5 A report was presented to the Environment and Prosperity Scrutiny Committee on 24<sup>th</sup> April 2012 to provide an update on the proposed changes to the policy and seek the views of members. The amendments to the policy were endorsed by the Committee (copy of the minutes attached).
- 10.6 The revised Cheshire Homechoice Common Allocations Policy has now been through a 12 week period of consultation that ended on 22 June 2012.
- 10.7 The Department for Communities and Local government released updated guidance for local housing authorities in England in June 2012.
- 10.8 Proposals on what to change and what not to change in the reviewed policy were made either in response to feedback from Members; from residents and stakeholders who responded to the consultation; or to decisions of the Homechoice Board.

## **11.0 Proposed Changes**

- 11.1 In relation to priority It is proposed to change from a star awarded system ranging from 1\* lowest priority to 5\* highest priority to a banding assessment based on housing need ranging from Band E: lowest need to Band A: highest need. The change in terminology will emphasise a change in approach. Housing need will be the determining factor. Those with multiple issues will no longer be assessed on a cumulative basis but on their single most important need in relation to a need for re-housing. All current housing register applications will be reassessed under the new "need" assessment.

The bands are as follows:-

## **The Priority Band Assessment System**

### **Bands**

#### **A**

- Households assessed as statutorily homeless by Cheshire East Council, to whom a full housing duty is owed under the Homeless Legislation.

- Households who are unable to occupy their current accommodation.
- Households who meet the downsizing criteria.

## B

- Households who have been assessed as potentially homeless
- Households who do not have access to a toilet or cooking facilities (“access” can be classed as access to shared or communal facilities)
- Households who are required to leave their home within 28 days as a result of a Prohibition Order served in relation to the premises under the Housing Act 2004 prohibiting use of all or part of the property, a Demolition Order served in relation to the premises under the Housing Act 2004, or a declaration of a Clearance Area affecting the premises served under the Housing Act 1985.
- Households who are leaving supported accommodation and are ready to move on (confirmed by accommodation provider).
- Households assessed with an urgent housing need
- Care Leavers with additional housing need

## C

- Households assessed as non statutorily homeless
- Those living in temporary accommodation awaiting a homeless decision.
- Households in supported accommodation (excluding sheltered accommodation), but not confirmed as ready to move on
- Households who are overcrowded – In alignment with the Bedroom Standard
- Households who under occupy a property – In alignment with Housing Benefit regulations but do not meet downsizing requirements
- Households with a lack of security of tenure
- Households whose housing is impacting on a medical condition
- Households whose housing is impacting on their welfare

## D

- Households who do not meet any of the reasonable preference criteria and/or are otherwise adequately housed

## E

- Households who have no local connection to the sub region of Cheshire East
- Households who have had preference reduced

## **11.2 Encouraging Engagement**

The policy has been amended throughout to place more of an emphasis on applicants being monitored to ensure they are engaging with support services in order to retain their priority assessment.

## **11.3 Accessibility of the housing register**

The Localism Act 2011 gives Local Authorities a new and wide discretion to decide who may qualify to apply for social housing in their area. This was explained to Members at the housing event on the 8<sup>th</sup> November and at Environment and Prosperity Scrutiny Committee on 24 April 2012. It was explained that the housing register could be used as a central hub for anyone with a housing related issue to register their details and be given advice and information on all options which would be available in Cheshire East to assist in addressing their issue. This hub would include information for rehousing options as well as options for staying in their current accommodation; for example information on access to private rented properties, affordable housing options, supported housing options and other available support services such as handymen services.

Generally, Members felt that if the housing register were to be used in this way, then the register could be accessible to all as it would be a gateway to all housing solutions. However, if this service could not be offered, then they would be in favour of restricting certain categories of applicants from registering. There were mixed opinions on who would be restricted from the housing register as a variety of exceptions categories were suggested which demonstrated the difficulty in trying to reach a consensus.

It was also acknowledged that by having an open register with the ability to provide the information on the range of options available it would lead to people making informed decisions about their housing situation and responding in a timely and proactive way to address their housing issue. It was felt that closing the register to only a select few households could lead to households only approaching for advice and assistance when they reached crisis point which could be more complex and costly for the Housing service to respond to.

The majority of those who responded to the consultation agreed with an open register. Those who disagreed had mixed opinions on who would be restricted. The main opinion amongst this minority was that those who could afford to rent or buy in the private sector should be excluded. The Homechoice Board considered this again. The practicalities and staffing costs of assessing income and affordability for all applicants across Cheshire East was considered to be unmanageable. Accommodation costs and income levels are so variable across the Borough that determining a standard level across the region would be impossible.

Following these conversations and a commitment from the Cheshire Homechoice project board to introduce a gateway model into Cheshire Homechoice, it is proposed to allow all households with a housing related issue to access the register so that they can access the hub of information. The only exceptions to this would be households who are ineligible to register due to immigration status and those who have had serious rent arrears or have committed serious acts of anti social behaviour.

#### **11.4 Access to housing in rural parishes**

At the Housing event there was no majority decision on whether to retain the Community Connection criteria or remove this priority whereby those who can demonstrate a connection to a rural area are given priority over someone who may be in greater housing need. All attendees agreed that if the criteria remained then the detail needed to be clearer, and should include connection via current or previous residence; immediate family or permanent employment.

The proposed reviewed section on Community Connection which went out to consultation read:

“The partners of Cheshire Homechoice are mindful of the concerns of residents for stability and sustainability within their communities, but also of the need to foster diversity within those communities and facilitate geographical mobility within the Cheshire East Borough.

In some rural areas we may require applicants to demonstrate a community connection to that particular settlement. In these instances, any applicant currently registered with Cheshire Homechoice may bid, however, the property may be offered to the household in the greatest housing need with a community connection. In the absence of a bid from any applicant with a community connection, the property will be let to an applicant with no community connection.

In these cases a person will be deemed to have a community connection if they fulfil one or more of the criteria below. If there is more than one applicant with a connection, then they will be considered in the order of priority banding and effective date.

Currently live or have lived or have lived within the boundaries of the Parish or adjoining parish and have done for at least 6 out of the last 12 months or 3 out of the last 5 years.

Have immediate family (sibling, daughter, son, parent, step-parent or adoptive parent) who are currently residing in the parish or adjoining parish and have done for at least 5 years.

Have a permanent contract of employment within the Parish or adjoining parish.

Respondents to the consultation were in agreement with this proposal. However, there was a concern raised by Cheshire East Planning that 6 months was too short a time to have established a community connection and it was suggested that this be increased to 12 months or 24 months

After further consideration the Homechoice Board are recommending that this part of the criteria be changed to 12 months out of the last 2 years.

#### **11.5 Making best use of a scarce resource**

Statistics and evidence gathered since the inception of Cheshire Homechoice demonstrates that family housing is in extremely short supply but is in high demand. The ability to make best use of social housing stock has been highlighted as a key priority for the Cheshire and Warrington Housing Alliance.

In order to make the best use of housing stock for families; it is proposed that households who are under occupying and willing to downsize are to be placed in Band A. Households that are overcrowded are given additional priority to assist them in moving to larger accommodation. It was proposed that this is assessed in line with current Housing Benefit parameters that allow an additional bedroom for persons aged 16 or over. More recently the Department of Communities and Local Government has issued guidance on housing allocation. In the document, overcrowding is assessed in line with the bedroom standard that sets the age limit at 21 for sharing a bedroom. Therefore, it is proposed that this is adopted as the standard for Cheshire East. Such an assessment would have the effect of making best use of social housing stock as households with over 16's sharing a bedroom would be encouraged to look for larger accommodation in the private housing sector. It is felt that this decision reflects the experience and circumstances of private homeowners.

#### **11.6 Additional Priority groups**

Consideration has been given to the following groups to determine whether the reviewed policy should award them additional priority over the average household in housing need.

- Care leavers. Currently Care leavers are not given a specific priority within the Cheshire Homechoice policy. The Leaving Care Act 2000 provides for specific duties to children leaving the care of local authorities. It is the duty of local authorities to give care leavers "assistance of any kind to the extent that his welfare require it". It is clear in law that this includes accommodation and therefore, as

corporate parents, the authority's responsibilities for the welfare of care leavers is high. It is therefore proposed to give them additional priority and place them in Band B where they are in housing need.

- Ex-Armed forces personnel. The government has issued regulations which come into force on 24th August 2012 stating that authorities can't use local connection in deciding whether any of the following is a qualifying person:

- (a) persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;
- (b) bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;
- (c) seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

In the review it was proposed that this group be exempt from the criteria on local connection. It is proposed that the wording should mirror the government regulation. This had no specific priority under the old policy. The revised policy will result in increased priority as these applicants will not be restricted by local connection.

- People in work: Examples of other local authorities giving priority to those in work were examined to determine whether this is a category of household who should be awarded additional priority on the housing register. The Royal Borough of Kensington and Chelsea gives priority only to those in work who are moving from temporary or supported accommodation to support their ability to continue to work. Westminster Council have a similar approach. Both award a small amount of priority through additional points, an option not available under the proposed banding system at Cheshire East. Manchester City Council does have a banding system and awards a priority by raising those in work up a band. Upon further discussion with Manchester City Council, it has been discovered that this does not provide value for money for the service due to the work required by staff to gather the evidence needed to be able to award the priority. A lean systems review of the homechoice service has recently been carried out and getting staff to gather this evidence would not be a lean process for the customer or the Local Authority.

Furthermore, due to the current economic climate and high risk of job cuts in all sectors, it was felt that this would be unfair on households struggling to find employment at the current time. The project board have also considered the impact of the welfare reform and the fact that more households will struggle to afford to access the private rented sector and if access to social housing



were to be restricted as well to people who are dependent on welfare benefits then they could potentially be left with no accessible housing options in the area and create homelessness in Cheshire East.

Under the Localism Act, Registered Providers will have the ability to offer fixed term tenancies to new tenants. At the end of the fixed term, a review of the household's circumstances will be carried out to determine whether to continue to offer a social housing tenancy to the household. If a household could afford another type of housing the registered provider could potentially end their tenancy agreement. It was suggested at the seminar referred to above that Households could then have a claim under Section 8 of Human Rights Act if our Allocations Policy gave favourable preference to people in employment but the basis for non-renewal of flexible tenancies by Registered Providers is on a household's income level.

Priority to this group has therefore not been included in the reviewed policy.

#### **11.7 Reduced Preference**

It is proposed that those applicants whose behaviour is unreasonable but is not serious enough for them to be deemed not qualified to be on the register, should have their priority reduced. They will be placed in Band E regardless of their housing need. After 6 months they can ask to be reassessed if they can provide evidence that the behaviour has improved. This will usually be for Anti Social Behaviour and rent arrears

- 12.0** The reviewed Cheshire Homechoice Common Allocation Policy is now ready to progress to approval stage.

#### **13.0 Access to Information**

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

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# CHESHIRE HOMECHOICE

## Common Allocation Policy

VERSION 2



## Cheshire East Choice Based Lettings Partnership

*"Providing housing solutions in Cheshire East through choice "*

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## SECTION ONE THE COMMON ALLOCATION POLICY

### Background

In 2007 the Cheshire Sub-Regional Choice Based Lettings Partnership was created with the aim of developing a common allocation policy, a Common Housing Register and a choice based lettings scheme. Due to Local Government Re-organisation this became the Cheshire East Choice Based Lettings Partnership in 2009. The following organisations are members of the partnership:

- Cheshire East Council
- Plus Dane Group
- Peaks & Plains Housing Trust
- Wulvern

The Cheshire East Choice Based Lettings Partnership's scheme is called "Cheshire Homechoice" and went live in 2010 using a system of advertising properties and expressions of interest alongside the Allocations Policy to determine how properties are allocated.

In addition the following organisations advertise a proportion of their available properties in Cheshire East through Cheshire Homechoice

<ul style="list-style-type: none"> <li>• Riverside</li> <li>• Harvest</li> <li>• Muir</li> <li>• Regenda</li> <li>• Contour Homes</li> <li>• Places for People</li> <li>• Adactus</li> </ul>	<ul style="list-style-type: none"> <li>• Equity</li> <li>• Anchor</li> <li>• Arcon</li> <li>• "Jonnie" Johnson</li> <li>• Great Places</li> <li>• Guinness</li> <li>• Northern Counties</li> </ul>
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In 2011 the Partnership began a review of the Common Allocation Policy in light of lessons learnt from the application of the policy and to update it in line with statutory changes being brought in by the Localism Act 2011.

Version 2. is the reviewed policy.

### Our vision

*"Providing housing solutions in Cheshire East through choice "*



## Key aims and objectives

The overall aim of the policy is to ensure that all social and affordable housing is allocated fairly and objectively to those in the greatest housing need, having regard to any legislative requirements and Codes of Guidance issued by the Department for Communities and Local Government. (DCLG)

This policy has been developed with a view to meeting the following principles and key objectives:

- To provide a first class housing service
- To operate an allocations system that offers realistic, informed choice for all
- To improve mobility within Cheshire East and to encourage balanced and sustainable communities
- To ensure that every application is dealt with fairly and consistently irrespective of race, disability, gender, sexual orientation, religion and belief, and age
- To operate a choice based lettings system which is simple, easy to understand, transparent, open and fair
- To give adequate priority to applicants who fall within the “Reasonable Preference” categories
- To give adequate priority to homeless applicants whilst maintaining a balance between the needs of the homeless and other applicants in housing need
- To empower applicants by giving them more opportunity to express choice and preferences about where they want to live whilst having regard to the availability of housing resources and the high demand for housing
- To assist those applicants who are vulnerable to access the scheme

## Equality and fairness

The Partnership will ensure its policies and practices are non-discriminatory and will promote equal opportunity by preventing and eliminating discrimination on the grounds of race, disability, gender, sexual orientation, religion and belief and age. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The Partnership’s aim is to create an environment where equality and diversity is at the heart of everything they do.

The impact of the policy will be monitored, to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all applicants will be asked to provide details of their ethnic origin and any other demographic information when they apply to join the Register.

The Partnership will ensure all potential applicants have equality of information about the service and equal opportunity to apply, express an interest for and receive offers of accommodation. We will do this by:

- Advertising the service widely in a variety of accessible media
- Providing practical assistance to those who may have difficulty in understanding the requirements of the system
- Providing practical assistance, in the applicant’s preferred way, where the applicant may have difficulty completing the paperwork

- Providing tailored assistance to those who may have difficulty expressing an interest for properties, including expressing an interest on their behalf, if that is necessary
- Monitoring the profile of those who are applying and making expressions of interest to ensure that minority and hard to reach groups are actively engaged in the service

## SECTION TWO THE COMMON HOUSING REGISTER

### Introduction

The Common Housing Register is a single list of all the applicants across Cheshire East who have been accepted onto the scheme. It includes new applicants and existing social housing tenants wishing to transfer. Applicants who apply to join the Register need only apply once to be considered for vacancies across the whole of the partnership area.

### Who can apply?

The register is open to all apart from those who are ineligible due to immigration status or classed as non qualifying due to unacceptable behaviour as defined in the following sections.

Anyone age 16 or over can apply to have their housing need registered, however tenancies are usually only offered to people of 18 years of age and over.

### Eligibility

#### Persons from Abroad

A person (defined by s13 (2) of the Asylum and Immigration act 1996 ) may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

- (i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and,
- (ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

#### ***Persons subject to immigration control***

The following categories of persons do **not** require leave to enter or remain in the UK:

- i) British citizens
- ii) Certain Commonwealth citizens with a right of abode in the UK
- iii) EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)
- iv) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control **are** eligible for an allocation of accommodation:

- i) *a person granted refugee status*: granted 5 years' limited leave to remain in the UK
- ii) *a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds*: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.
- iii) *a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area)*: such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry.
- v) *a person who has humanitarian protection granted under the Immigration Rules*: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

#### **Other persons from abroad who may be ineligible for an allocation**

By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control **and** who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker).
- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations
- (iv) a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

The following persons from abroad **are** eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- a) an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- b) an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- c) a person who is treated as a worker for the purposes of regulation 6 (1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (ie nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)

- d) a person who is a family member of a person referred to in (a) to (c) above
- e) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations
- f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there
- g) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK.

A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations

## **Non qualifying persons due to Unacceptable Behaviour**

Under Section 160ZA of the Housing Act 1996, any applicant (or a member of their household) who is guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant, will be classed as non qualifying for an allocation. In most circumstances this means anti-social behaviour or significant/persistent rent arrears.

## **Joint applications**

In Line with s.160ZA of the Housing Act 1996, a joint application will not be accepted from two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible an application will be accepted from the person who is eligible, as a sole applicant.

## **Multiple applications**

Multiple applications will not be allowed. If multiple applications do exist, the application which is a most accurate reflection of the applicant's circumstances will be kept open. Any other applications will be cancelled.

## **Transfers**

Existing social housing tenants within the partnership, who have been tenants for 12 months or more, can apply to move and will have their priority assessed in the same way as any other applicant.

## **Mutual exchanges**

Mutual exchanges are advertised through 'Homeswapper' and will be dealt with outside the policy. A link to this website will be provided on the Cheshire Homechoice homepage or details of the scheme can be sent to applicants on request.

## **Applications from Elected Members, Board Members and Employees**

Applications can be accepted from employees, elected members, board members and their close relatives. Applicants must disclose any such relationship at the time of application.

### **How to apply**

An application can be made by completing a housing needs assessment and providing the information requested. The registration of an application may be delayed or cancelled if the information requested is not provided.

The purpose of the housing needs assessment is to correctly identify the housing priority for each applicant, which is expressed as a priority Band. Once an application has been registered applicants will receive a copy of the scheme guide and be notified of:

- The date of registration
- The priority Band assessment
- The Username and Password for the web site
- Application reference (for expressing an interest in properties)
- The right to appeal against the decision on their Priority Band assessment

### **Advice, support and information**

A scheme guide is available to all applicants and support will be offered to applicants needing assistance.

### **Home visits**

Home visits may be carried out to assess some applications where appropriate.

### **Changes in circumstances**

Applicants who move to a new address or whose circumstances change after they have been accepted onto the housing register (e.g. someone joining or leaving their household) should immediately contact the partnership to notify them of the change. A new application may be required.

The partnership reserves the right to reconsider an applicant's priority Band assessment on the grounds of change of circumstances at any time until an offer of accommodation has been accepted and a tenancy agreement signed.

If the change of circumstances affects the priority Band assessment the applicant will be informed in writing of the outcome of the re-assessment.

If a applicant's circumstances have changed prior to the allocation of a property and records on Homechoice have not been updated the partners reserve the right to overlook an applicant or to revoke an offer. It is a applicant's responsibility to keep Homechoice updated with any circumstances relating to housing.



## **Housing register renewal**

Cheshire Homechoice will regularly review information held on the register. Applicants must keep their application details up to date and express interest in properties that meet their requirements, on a regular basis. Homechoice will close inactive applications and will inform applicants in writing that their application has been closed. If applicants wish to remain on the register, they must contact Homechoice within 28 days. Providing none of the housing circumstances have changed and the previous assessment remains valid the application will be re-opened immediately and the previous priority of the application will remain unaffected.

In Bands A & B there will be more regular monitoring and reviews; Cheshire Homechoice will encourage applicants in all Bands to keep their details current and will contact applicants regularly to ensure we hold current and relevant information.

## **Closed applications**

Applications will only be closed in the following circumstances:

- A request has been received from the applicant (or their advocate in writing)
- When an applicant has been contacted by a landlord to be considered for a tenancy to prevent further bidding during the decision process
- The applicant has been re housed
- Notification has been received from an executor or personal representative that the applicant is deceased and s/he was the sole applicant
- It is discovered that the applicant has given false or misleading information in their application
- Information is obtained that gives reason to believe that the applicant is no longer eligible
- If the partnership does not receive a response to contact by telephone or written correspondence within 10 working days (2 weeks)

Applicants will be informed of the reason/s why their application has been closed and informed of their right to request a review of the decision (see Reviews and Appeals).

If the applicant makes a request to reopen their application within 20 working days (4 weeks) of it being closed it will be reopened where eligible and receive the original assessment of Band and effective date provided no relevant circumstances have changed.

## **Deliberately withholding information or providing false information**

Legal action could be taken against any applicant who provides false information when applying for housing (including a fine of up to £5,000). Under Section 171 of the Housing Act 1996 it is an offence to:

- Deliberately provide false information; or
- Deliberately withhold information that should have been given

Applicants, who are found to have made fraudulent applications in this way, will automatically have their application closed as above. Possession proceedings can be

instigated if a tenancy was obtained by giving false information and the tenant may be classed as non qualifying for the Housing Register

## **Reviews**

Applicants have the right to request a review against decisions made in the allocation process. These include:

- A decision to reduce preference.
- A decision to bypass an application.
- A decision about the priority Band assessment on the housing register.
- A decision on their eligibility to go on the housing register.
- A decision to close an application.

The applicant's request for a review of the decision should be made in writing within 20 working days (4 weeks) of the original decision being made with supporting evidence why they require a review of the original decision.

An independent officer from the partnership will carry out reviews. The officer will not have been involved in the original decision. The officer will consider the evidence provided and decide whether to overturn or support the original decision. The applicant will be informed in writing of the decision within 20 working days (4 weeks) of receipt of the request for a review. The reply will contain the decision made, the reasons for the decision and the facts taken into account when making the decision.

## **Appeals**

If the applicant is not satisfied with the decision made by a reviewing officer, they can request the Cheshire Homechoice Panel (see below), review the evidence provided and review the decision. Applicants will need to do this in writing within 20 working days (4 weeks) of the review letter being sent. The Cheshire Homechoice Panel will have 40 working days (8 weeks) in which to review the supporting evidence and respond in writing to the applicant of the decision made.

## **Cheshire Homechoice Panel**

The partnership is committed to equality of opportunities and therefore will monitor all processes robustly to ensure that there is open and fair access to social housing and to ensure allocations of accommodation are made to those in the greatest housing need. This will be done through the Cheshire Homechoice Panel. Officers from the partnership will attend the panel on a monthly basis to make decisions on, and monitor the following:

- Appeals on decisions
- Applicant satisfaction/complaint levels
- Accessibility for vulnerable groups
- Reduced preference applicants
- Ineligible or unqualified applicants
- That allocations have been carried out fairly and transparently and in line with this Policy.
- The number of direct management lets and the reasons they were made

- Refusal of offers
- Monitor community connection lettings to ensure that need is being met

## **Cheshire Homechoice Board**

Future developments and alterations to this Common Allocation Policy, or the overall scheme, will be decided by the Cheshire Homechoice board, which consists of senior managers from each of the participating organisations.

## **Making a complaint**

If a applicant wishes to make a complaint they should contact Homechoice to be informed to which partner the complaint should be directed and advise them of the partner's complaint procedure.

All applicants who make a complaint will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in each partner organisation's complaints policy. Copies of these can be obtained from the individual partners (see Appendix 1)

If the applicant has gone through the complaints procedure and remains dissatisfied, they can write to the Housing Ombudsman (Registered Social Landlord tenants) or the Local Government Ombudsman or apply for a judicial review (social housing tenants and other applicants).

## **SECTION THREE ASSESSING HOUSING NEED**

### **Reasonable preference groups**

All qualifying applications will be assessed under this policy, to ensure that those in greatest housing need are given preference for an allocation of accommodation. The Partnership gives reasonable preference to applicants as set out in section 166A (3) of the Housing Act 1996 (as amended) and the Homelessness Act 2002. These are:

- People who are homeless including those who are intentionally homeless and those who are not in priority need.
- People who are owed a duty by a local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

In addition, section 166 A (3) gives local authorities the power to frame their allocation schemes to give additional preference to particular descriptions of applicants who fall within the reasonable preference categories and who have particularly urgent housing needs.

To ensure that local priorities are met, the scheme may provide for other factors, other than those set out in section (2) of the Housing Act 1996, in determining which categories of applicants are to be given preference for an allocation of accommodation within the scheme, providing they do not dominate the scheme over those listed in the statutory preference categories listed in section 166A (3)

### **The priority band assessment system**

#### **Band A**

- Households assessed as statutorily homeless by Cheshire East Council, to whom a full housing duty is owed.
- Households who are unable to occupy their current accommodation.
- Households who meet the downsizing criteria.

#### **Band B**

- Households who have been assessed as potentially homeless

- Households who do not have access to a toilet or cooking facilities (access can be to shared or communal facilities)
- Households who are required to leave their home within 28 days as a result of a Prohibition Order served in relation to the premises under the Housing Act 2004 prohibiting use of all or part of the property, a Demolition Order served in relation to the premises under the Housing Act 2004, or a declaration of a Clearance Area affecting the premises served under the Housing Act 1985.
- Households who are leaving supported accommodation and are ready to move on (confirmed by accommodation provider).
- Households assessed with an urgent housing need
- Care Leavers – with additional housing need

#### **Band C**

- Households assessed as non statutorily homeless
- Those living in temporary accommodation awaiting a homeless decision.
- Households in supported accommodation (excluding sheltered accommodation), but not confirmed as ready to move on
- Households who are overcrowded – In alignment with the bedroom standard
- Households who under occupy a property – In alignment with Housing Benefit regulations but do not meet downsizing requirements
- Households with a lack of security of tenure
- Households whose housing is impacting on a medical condition
- Households whose housing is impacting on their welfare

#### **Band D**

- Households who do not meet any of the reasonable preference criteria and/or are otherwise adequately housed

#### **Band E**

- Households who have no local connection to the sub region of Cheshire East
- Households who have had preference reduced

### **Housing needs assessment**

Housing need is not cumulative. The housing needs assessment will take account of all household circumstances. This will be a multiple housing needs assessment and the highest priority circumstance will determine the priority Band.

### **Statutorily homeless**

Within the Partnership the Local Authority has a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to ensure that homeless Households owed a full housing duty by Cheshire East Council under s.193 (2) are provided with suitable accommodation. Homeless Households to whom the full duty is owed will be placed in Band A.

Households awarded this priority under the scheme should receive an offer of an allocation within a short period of time, as set out on page 25. under Homelessness – Expressions of Interest..

Priority on the grounds of homelessness will only be awarded for a limited period of time as set out on page 25. under Statutorily Homeless Households

Applicants will have received and should ensure that their s184 decision letter from Cheshire East Council is on file with Homechoice.

### **Unable to occupy current accommodation**

Households who cannot physically access their accommodation (long term) or who are in hospital or respite care and have been medically assessed as being unable to return permanently to their current home will be placed in Band A.

Households who are required to leave their homes as a result of an emergency prohibition or demolition order served in relation to the whole of the household's property under the Housing Act 2004 will be placed in Band A.

### **Downsizing**

Households who occupy larger social rented homes belonging to one of the partner landlords who are willing to move to smaller, more manageable accommodation will be considered for downsizing priority. Applicants will need to obtain the support of their landlord before being awarded this priority and the aim is to make their existing home available to other applicants on Homechoice.

Applicants with downsizing priority agreed by a partner landlord will be placed in Band A.

Where more than one applicant in a short list has downsizing priority, the allocating landlord may use discretion in conducting the allocation and may overlook the effective date of the applicants.

This assessment will not confirm eligibility to any other downsizing schemes held by the partners nor does it guarantee that the Landlord will be able to finance a move.

### **Homeless prevention/ potential homelessness**

Households who meet all of the following criteria will be placed into Band B:-

- are at risk of becoming homeless within 3 months
- are likely to lose their accommodation through no fault of their own
- meet the priority need criteria as outlined in Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002)
- continually engage with a Cheshire East Housing Options team or Homechoice Team caseworker.

This will assist them in moving into accommodation before they become homeless. Supporting evidence and a full report from Housing Options will be required before being placed in Band B.



Engagement with services and active bidding are required for priority award on potentially homeless grounds and will be reviewed after 20 working days by Cheshire Homechoice. Should engagement or bidding lapse, this priority will be reduced to Band C.

### **Living in unsanitary conditions.**

If the Partnership can confirm that an applicant has no access at all to toilet, washing or cooking facilities the applicant will be placed in Band B.

For the definition of 'no access' the Partnership will consider shared access or access to facilities outside of the home to be access. Running water will be enough for the assessment of washing facilities and a microwave is considered sufficient for cooking.

### **Prohibition or demolition order served within 28 days**

Prohibition Orders or Demolition Orders taking effect within 28 days in relation to the whole of the Household's property will be placed in Band B.

If a clearance area has been declared, Households within this area will be placed in Band B.

Where an applicant feels their property is in a state of disrepair, the Partnership will require a formal assessment from Cheshire East Council's Private Sector Team. If the assessment results in a home improvement notice being served and the landlord fails to meet the requirements of this notice to the satisfaction of the private sector team the applicant will be placed in Band C under welfare.

### **Households in supported accommodation**

Applicants from Supporting People funded supported accommodation (excluding sheltered accommodation) in Cheshire East will be placed in Band C.

However, when applicants are confirmed as ready to move on by their supporting service the priority will be increased to Band B. As part of an agreed move on procedure the effective date of the original Band C will be honoured.

### **Urgent housing need**

Additional priority may be awarded where an applicant cannot access their washing or bathing facilities safely due to a physical disability and where adaptations cannot be done to the property to facilitate access. Subject to further assessment by the partners and or the Occupational Therapy Team (where appropriate) applicants will be placed in Band B.

Households with a requirement for equipment to manage a disability which cannot be accommodated in their current home will be placed in Band B.

Where there are pending convictions or intensive ongoing investigations that indicate a significant risk of harm to a member of a household and the police or an ASB co-ordinator (or equivalent) are in support of the fact that a move is the only resolution, applicants will be placed in Band B.

Cases meeting all of the following criteria will be placed in Band B:-

- cases referred to Multi-Agency Risk Assessment Conference (MARAC) where there is a risk outside the property, of domestic violence
- where a perpetrator of domestic violence remains a risk to a person/ family that cannot be controlled long term by the police as a matter of public protection
- a move is the only solution.

More serious issues may be considered in line with Homelessness Legislation.

### **Care leavers**

For the purposes of assessing housing needs priority, a young person will be considered under the care leavers policy if they are leaving care or have left care in the last 5 years.

Young people who are care leavers of a Local Authority under the Children (Leaving Care) Act 2000 and are already adequately housed will be placed in Band D. Where a “care leaver” (as defined above) has any additional housing need they will be placed in Band B. (For example: If an applicant is confirmed as a care leaver and is overcrowded they will be assessed as Band B). The only exception to this is if the care leaver meets any of the assessment criteria in Band A, they will be placed in Band A. Supporting documentation will be required from the appropriate Local Authority department.

### **Non statutorily homeless**

All households who have received a section 184 notification of a decision made by Cheshire East Council or any other Local Authority, determining intentional or non priority homelessness will be placed in Band C.

### **Awaiting homeless decision**

A household who has made a homeless application but has not yet received their section 184 decision letter will be placed in Band C. This assessment will be appropriate for applicants living in temporary accommodation provided by the Local Authority or sourced independently by the applicant.

### **Overcrowding**

If a Household is overcrowded in excess of the bedroom standard or overcrowded as defined in Part 10 of the Housing Act 1985, they will be placed in Band C. The overcrowding priority does not increase with the number of rooms lacking.

For the purposes of assessing overcrowding the following criteria will be applied:

Household	Bedroom Need
Single Applicant	Studio/ One bedroom
Couple	One bedroom
Person age 21 or over	One bedroom
Single child from birth	One bedroom
Two children, both under 10 years old	One bedroom
Two children of the same sex, aged 10-20	One bedroom
Two children of opposite sex, one over 10 years old	Two bedrooms

In households where a woman is over 20 weeks pregnant and would be overcrowded when the baby is born the household will be placed in Band C

### **Under occupation**

The Partnership is keen to assist those home owners and privately renting tenants who may not be able to afford or manage a larger property and would benefit from a move to a more suitable smaller property. In addition this will apply to Social Housing tenants of registered providers within Cheshire East .

Where a household has expressed an interest to move to a smaller property, the application will be placed in Band C.

If an applicant applies for a property of the same size as their current home they may be overlooked by the landlord as this would be considered an abuse of this priority.

### **Insecure accommodation/ lacking secure tenure**

Households with a lack of security of tenure will be placed in Band C

For example:

- Households who have been asked to leave by family or friends (we will require formal confirmation of this)
- Households who have been served up to 2 months notice by their landlord
- Households who live in a caravan, mobile home or boat who have been served notice to leave their mooring or plot.
- Those Households who are leaving the armed forces and have received release papers
- Households who are currently in prison with a release date within 2 months.

- Households who are in 'tied' accommodation who have been given notice to leave within 2 months.

Households with a lack of security of tenure who meet the priority need criteria will be referred for a further potentially homeless assessment.

This assessment will not include those applicants who have been served a NOSP (Notice of Seeking Possession) from a social landlord.

### **Housing impact on a medical condition**

Where an applicant's current accommodation is having an adverse affect on a diagnosed medical condition of themselves or a member of the household who will be moving with them applicants will be placed in Band C provided evidence can be gathered to support an applicant's claims.

### **Housing impact on a household's welfare**

Where an applicant's current accommodation is having an impact on the welfare of household members, applicants will be placed in Band C.

Households experiencing anti-social behaviour or neighbour nuisance may be placed in Band C. if the required evidence is produced that it is of a serious enough level as detailed in the procedures.

Households who need to move closer to education, employment or care where the travel from current accommodation is not affordable will be placed in Band C. A full financial assessment will need to be conducted by Cheshire Homechoice in order to establish affordability. This assessment does not override the local connection criteria.

### **Households with children or pregnant women**

Households with children or pregnant women will be placed in Band D unless additional housing need is identified.

### **Reduced preference**

A reduced preference assessment overrides all other priority assessments.

In certain circumstances, section 167(2A) of the Housing Act (1966) as amended by the Homelessness Act 2002 allows local authorities to take certain other factors into account when determining priorities between applicants. This can result in the applicant being awarded a lower priority than they would otherwise receive according to their housing needs alone.

Reduced preference may apply when the applicant, or member of the household, has demonstrated unacceptable behaviour which was not serious enough to justify a decision to treat the applicant as ineligible, but which can be taken into account in assessing the applicant's level of priority. Examples include:-

- Property related debts
- Current or former rent arrears

- Acts of antisocial behaviour that have caused or are likely to cause serious nuisance to neighbours
- Property damage
- Assaulting, abusing or harassing officers or elected members of the Homechoice partnership
- Households who have no local connection to Cheshire East
- 2 unreasonable refusals of written/verbal offers or wasting the time of partners
- Intentionally worsening housing circumstances with the intent of increasing priority
- Those applicants who wish to remain on the list but have no intention of bidding presently
- Withholding information that should have been provided to the partnership
- Providing false information to the partnership

This list is not exhaustive. More detail in relation to this matter can be found in the Procedures document.

Applicants who are given reduced preference will be placed in Band E of the Housing Register.

The case will be reviewed after a term no less than 6 months upon written request from the applicant. Each case will be considered on its own merits.

### **Local connection**

Applicants who fulfil any of the following will be considered as having a local connection:

- Currently live, or have lived, within Cheshire East and have done for at least 6 out of the last 12 months or 3 out of the last 5 years.
- Have immediate family (mother, father, brother, sister, son, daughter, adoptive parents) who are currently living in Cheshire East and have done for at least five years or more
- Have a permanent contract of employment within the partnership area
- Members of the armed forces:
  - (a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
  - (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
  - (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result
- Other significant reason

Applicants without a local connection will be placed in Band E.

### **Community connection**

The partners of Cheshire Homechoice are mindful of the concerns of residents for stability and sustainability within their communities, but also of the need to foster diversity within those communities and facilitate geographical mobility within the Cheshire East Borough.

In some rural areas we may require applicants to demonstrate a community connection to that particular settlement. The partnership will make any such requirement clear in the advertisement for the property. In these instances, any applicant currently registered with Cheshire Homechoice may bid, however, preference will be given to the household in the greatest housing need demonstrating the community connection. In the absence of a bid from any applicant with a community connection, the property will be let to an applicant with no community connection.

In these cases a person will be deemed to have a community connection if they fulfil one or more of the criteria below. If there is more than one applicant with a connection they will be considered in the order of their priority Banding and effective date.

- Currently live, or have lived, within the boundaries of the parish or adjoining parish and have done for at least 1 out of the last 2 years or 3 out of the last 5 years
- Have immediate family (sibling, son, daughter, parent, step-parent or adoptive parents) who are currently living within the boundaries of the parish or adjoining parish and have done for at least five years
- Have a permanent contract of employment within the parish or adjoining parish

An adjoining parish is defined by another rural parish with an adjoining boundary to the parish in which the vacant property is located. The adjoining parish must also fall within the boundaries of Cheshire East Borough.

Allocations will be conducted considering all reasons in their own merit, not comparing against people who can demonstrate a stronger connection. The connections are not tiered.

All applicants will be required to have evidence of their connection to a parish on file before the close of the bidding cycle in which a property is advertised.



## **SECTION FOUR**

### **SHORTLISTING & TENANT SELECTION**

#### **Introduction**

Cheshire Homechoice is a Choice Based Lettings scheme that enables applicants to express an interest in properties they are eligible for. The successful applicant will be decided in line with this policy.

#### **Advertising properties**

The Partnership will advertise all vacant properties as part of the scheme. There will be certain occasions when a property cannot be advertised, for example, where a landlord needs to make a direct management let. The Cheshire Homechoice Panel will monitor these lets on a regular basis.

Adverts will be clearly labelled to show the property features and local neighbourhood information.

Applicants will be able to view online, the properties that they are eligible for and are able to express an interest in. There will sometimes be other restrictions on who is eligible for a property. Any such restrictions will be made clear in the advert, for example where a property is only suitable for applicants who need adaptations such as a level entry shower or property specific age and disability restrictions. Expressions of interest from applicants may only be allowed if they can match the requirements in the advert.

#### **Adapted properties for applicants with disabilities**

Accessible properties are homes, which have been designed for or significantly adapted to meet the needs of applicants with physical or sensory disabilities. Accessible homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice.

Applicants with an assessed need for accessible accommodation will be given priority for accessible accommodation over others in the same priority Band without that need and the property advert will make that clear. The advert will also describe the accessible features together with local neighbourhood information to help applicants choose whether to express an interest for that property or not.

In selecting a applicant for an accessible property from the short-list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority may be given outside of date order, if the vacancy is particularly suitable for the needs of a applicant.

Applicants in this category can also express an interest for properties which do not have accessible features. However if they are short listed, during the selection stage, the partner landlord will assess whether it is reasonable and practicable for the property to be adapted. The applicant will be considered for the property on the same basis as the other applicants who have submitted expressions of interest.

## **Extra care housing**

Properties with extra care facilities will be advertised as part of the scheme. The service providers will directly match vacant properties to qualifying applicants that meet the eligibility criteria following a detailed assessment of their housing, care and support needs.

## **Affordable housing developments**

Affordable housing will also be advertised through the scheme. When new housing developments are built within rural areas a Section 106 agreement may state that applicants who are allocated the properties must have a direct local connection to that specific rural area. When this is the case properties are advertised through Cheshire Homechoice will make clear what the eligibility criteria are for the property.

## **Community lettings**

Properties in rural areas may be let under the Cheshire Homechoice policy for meeting local need. Advertisements for these properties will stipulate that those with a community connection will be given preference within the terms of the policy.

## **Local lettings**

Certain properties may be let in accordance with the Registered Provider landlord's local lettings policy. When properties are advertised through Cheshire Homechoice they will be clearly labelled with the eligibility criteria.

## **Expressions of interest**

Available properties will be advertised weekly and applicants can express an interest for up to 2 properties a week.

Cheshire Homechoice may restrict expressing an interest for certain types of property, to certain types of households, in line with stock management as determined by individual landlords. For example houses may be restricted to families with dependant children.

Expressions of interest can be made via the telephone, email, the website, or a visit to any of the Partnership offices. Advice and support will be provided to applicants who need it; to ensure they are able to access and use the scheme.

## **Support for vulnerable applicants**

Cheshire Homechoice places new demands on applicants. It gives people an active role in the lettings process and encourages them to express an interest in empty properties.

Applicants will need to:

- Receive information on the housing options available
- Have access to and ability to use the technology necessary to apply to Cheshire Homechoice and express an interest in properties.

- Have the capacity to make decisions on the basis of the information provided

A person may be vulnerable when due to old age, physical, mental or emotional infirmity which impairs the person's ability to provide for his or her basic care, requires support and assistance to enable independent living and safe and active participation in the community.

Broadly speaking vulnerability can mean anyone who cannot be actively involved in the choice based lettings process, for example:

- Older people
- People with learning difficulties
- People with mental health issues
- People fleeing domestic violence
- People with drug or alcohol issues
- People with medical needs

The partnership will ensure vulnerable applicants are able to access the scheme. When a vulnerable applicant is identified every effort will be made to assist and support them through the process. Some applicants will require or request support and assistance with accessing information about available properties, expressing an interest and making a decision about an offered property. In all cases the level and type of support will be decided on an individual basis. However, in some cases the Partnership may have to use specialist staff to express an interest on their behalf. A number of measures will be put in place to ensure that vulnerable applicants are not disadvantaged for example through:

- Providing appropriate advice and assistance
- Providing information in other formats
- Partnership working with support agencies
- Translating key documents
- Ensuring appropriate support is available for applicants using the system

Wherever possible the partnership would like applicants, whatever their background or presumed ability, to become active participants in the choice based lettings process. However we recognise in limited circumstances it may be necessary to assist certain vulnerable people outside of the choice based lettings process and to allocate properties to them.

## **Homelessness & prevention- Expressions of interest**

Applicants who are awarded priority on the grounds of homelessness or the prevention of homelessness will be closely monitored and reviewed by Cheshire East Housing Options and Homechoice case workers.

### **Statutorily Homeless Households**

Households accepted as homeless by the Cheshire East Housing Options Team and therefore owed a full housing duty under the provisions of the Housing Act 1996 Part 7 (as amended by the Homelessness Act 2002) will be automatically placed into Band A on the Housing Needs Register. They will then be able to express an interest in advertised properties, for which they are eligible, within the partnership area for a period of 14 days from the date of the Homelessness decision letter.

After the 14 day period has expired, expressions of interest may be made by the Housing Options Team in conjunction with Cheshire Homechoice for a suitable property on the household's behalf. Although the caseworker will take account of the applicants' preferences, expressions of interest will not be restricted by those preferences.

If a applicant is subsequently offered accommodation either verbally or in writing by the Housing Provider, and refuses it, the Housing Options Team may discharge its temporary and long term duties under the Homelessness legislation. The team may also reduce the applicant's priority on the Common Housing Register from Band A to Band C.

### **Homeless Prevention /potentially homeless**

Applicants assessed as meeting the criteria for homeless prevention will be placed in Band B. Applicants will remain in Band B for a period of 20 working days (4 weeks); after this period they will be reviewed and if they are not expressing interest on suitable properties their application will be re-assessed and placed in Band C.

### **Short listing**

Expressions of interest for properties will be placed in the order of priority e.g. Band A highest priority, then Band B, Band C, Band D and finally Band E.

If two or more applicants within the same Band have expressed an interest for the same property for which they qualify, the date they entered their current Band will be used to determine the higher priority. If the Band date is the same, the original housing register application registration date will be used to determine priority.

Where properties are targeted at specific household types, priority will be given to suitable applicants for that type of accommodation e.g. accessible accommodation for applicants with disabilities or new build properties where certain eligibility rules apply under Section 106 agreements.

If an applicant is ranked first for more than one property and provided the eligibility criteria are met, they will be contacted to make a decision about which property they wish to consider and no further offers on additional properties will be made.

### **Viewing properties and receiving offers**

Landlord partners may request additional information to support the allocation process.

A formal offer of accommodation will not be made until the information and/or supporting evidence has been provided and failure to do so may lead to an application being closed.

Applicants who unreasonably refuse 2 verbal/written offers within a 12-month period will have their priority reduced to Band E for a period of 6 months. Applicants accepted

as Statutorily Homeless will be assessed in line with current housing legislation that applies to refusing offers.

If an applicant does not agree with their priority being reduced, they can request a review.

### **Feedback on results**

Lettings results will be made available to the public upon request.

- Lettings results for property type and neighbourhood
- The total number of expressions of interest made for the property
- The successful applicant's registration date and/or priority Band.
- Properties described as a management let, where a direct offer was made and the property was not advertised.
- The results of customer satisfaction surveys.

### **Nominations**

Registered Providers (not part of the Partnership) operating within Cheshire East will provide at least 50% of their vacancies (excluding transfers) for nominations via the scheme. The Local Authority (or their partners) will monitor to ensure compliance with the nomination agreements in their area.

### **Future development of the scheme**

The Partnership is committed to continually reviewing its practices and procedures associated with this policy, to ensure a consistent and joined up approach in the delivery of a first class choice based lettings service for Cheshire Homechoice.

## Appendix 1

### Contacts

#### **Cheshire East Council**

Town Hall  
Macclesfield  
Cheshire  
SK10 1EA  
[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)  
Tel: 0300 123 5031

#### **Wulvern**

Wulvern House  
Electra Way, Crewe  
Cheshire,  
CW1 6GW  
[www.wulvernhousing.org.uk](http://www.wulvernhousing.org.uk)  
Tel: 01270 506200

#### **Plus Dane Group**

Shepherds Mill  
Worrall Street  
Congleton, Cheshire  
CW12 1DT  
[www.neighbourhoodinvestor.com](http://www.neighbourhoodinvestor.com)  
Tel: 01260 281037

#### **Peaks & Plains Housing Trust**

Ropewalks  
Newton Street  
Macclesfield  
Sk11 6QJ  
[www.cppht.com](http://www.cppht.com)  
Tel: 0800 012 1311



**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Environment and Prosperity Scrutiny Committee**

held on Tuesday, 24th April, 2012 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor L Gilbert (Chairman)  
Councillor G M Walton (Vice-Chairman)

Councillors P Butterill, K Edwards, R Fletcher, P Hayes, S Hogben, H Murray  
and G Baxendale

**Apologies**

Councillors A Barratt, H Davenport, P Hoyland and A Thwaite

**ALSO PRESENT**

Councillor R Menlove – Portfolio Holder for Environmental Services  
Councillor P Raynes – Cabinet Support Member for Environmental Services

**OFFICERS PRESENT**

Chris Williams – Transport Manager  
Karen Carsberg – Strategic Housing Manager  
Nic Abbott – Cheshire Homeschoice Team Leader  
Mark Nedderman – Senior Scrutiny Officer  
James Morley – Scrutiny Officer

**1 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 20 March 2012 be approved as a correct record.

**2 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS**

Councillor Les Gilbert declared a personal interest in Item 6 as he is a Member of the Wulvern Housing Association's Board.

**3 PUBLIC SPEAKING TIME/ OPEN SESSION**

There were no members of the public who wished to speak.

**4 TRANSPORT UPDATE**

The Committee received a report on the current status of the Transport Policy from the Transport Manager. The report summarised the likely changes to

transport that had been either agreed or were to be considered over the coming months.

The Council's adopted business plan for the period 2012-2015 contained a number of changes pertaining to transport support. There were reductions in budgets for home to school transport, public transport, flexible/community transport and management and administration of transport. This required substantial changes to transport provided by Cheshire East.

Consultation on the changes required to be made would be carried out in June 2012 and would be reported back to this Committee before recommending changes to Cabinet in August 2012.

Savings would be made through reductions in subsidising public transport, and removal of free transport provision for children attending denominational schools through parental choice. Efforts would be made to mitigate impacts of withdrawal of support for public transport and affected schools would be given one-off funding to support students in finding alternative travel options.

The Committee expressed concern about the removal for current recipients of free transport for children attending denominational schools through parental choice on the grounds of religion/faith. It was suggested that, although savings were necessary, current recipients should continue to receive support until the end of school years as some parents would have made choices about which school their children would attend based on the receipt of free transport.

RESOLVED:

- (a) That the report be received and the Committee note with concern the impact of the budget restrictions.
- (b) That the Committee express reservations regarding the home to school transport proposals contained within the report.
- (c) That, given the importance of the subject matter, the Transport Manager be requested to return to the Committee with a further update after the consultation period at the 24 July 2012 meeting.

## 5 DRAFT TENANCY STRATEGY

The Committee received a report from the Strategic Housing Manager on the Council's draft Tenancy Strategy. The Strategy was currently under going a 12 week period of consultation and a final decision on the Tenancy Strategy would be made by Cabinet once consultation had been completed.

The Localism Act 2011 placed a requirement on all local authorities to produce a Tenancy Strategy which outlined the Council's approach to flexible tenancies and enabled Registered Providers (RPs) of social housing to formulate their own tenancy policies. RPs in Cheshire East needed to have due regard to the Council's Tenancy Strategy when formulating their policies on flexible tenancies but did not have to adhere to the strategy and did not have to follow the guidance of the Council. The Council tried to mitigate against RPs not following the Tenancy Strategy by working with the three main RPs when producing the strategy to ensure that the content was workable for them.

The draft Tenancy Strategy contained a vision for what RPs should consider when determining tenancy terms (e.g. make the best use of housing stock and reduce levels of under occupation and overcrowding). The Strategy also outlined the type of tenancies available to RPs and the circumstances in which tenancies would not be granted or renewed.

Flexible tenancies were a way of making the best use of housing stock as well as offering people some stability with out committing RPs to life time tenancies. Existing tenancies would not be affected and RPs would still be able to offer life time tenancies.

The Committee was concerned that RPs were only under a duty to have regard to the Council's Tenancy Strategy but were pleased that the best efforts had been made to work with RPs to ensure that they adhere to the Council's position.

RESOLVED – That the report be noted and the Strategy be endorsed by the Committee.

## **6 CHESHIRE HOMECHOICE COMMON HOUSING ALLOCATION POLICY REVIEW**

The Committee received a report from the Strategic Housing Manager on the Cheshire Homechoice Common Allocations Policy Review. The report provided an update on the proposed changes to the Policy. The revised policy was currently going through a 12 week period of consultation.

A review had been started in June 2011. The policy had been working well for the first 12 months however there were some areas of the policy that needed improving or reviewing in the light of lessons learnt and proposed changes in the Localism Bill which became the Localism Act 2011 in November.

In relation to priority it was proposed to change from a star awarded system to a banding assessment based on housing need. Housing need would be the determining factor and those with multiple issues would no longer be assessed on a cumulative basis but their single most important need in relation to a need for re-housing. All current housing register applicants would be reassessed under the new "need" assessment.

The Housing register would be open to all households with a housing related issue however some would be ineligible due to immigration status, those with serious rent arrears or committed acts of serious antisocial behaviour.

Households with no connection to an area would be given the lowest priority and local authorities did not have a responsibility to households from outside of their borough. If a person or household had lived in the area 3 out of the last 5 years or 6 out of the last 12 months or has immediate family residing in a parish for 5 years they would qualify to have a local connection to an area. Housing in rural parishes would only be granted to households with a community connection and would be kept unavailable to those with out a community connection.

RESOLVED – That the Committee endorse the changes to the policy.

## **7 WORK PROGRAMME**

The Committee considered its Work Programme for future meetings.

RESOLVED – That the Work Programme be noted.

## **8 FORWARD PLAN**

The Committee considered the Forward Plan from May 2011 to August 2011 for possible items to review before Key Decisions were made.

RESOLVED – That the Forward Plan be noted.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor L Gilbert (Chairman)

## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Strategic Director Places & Organisational Capacity and Borough Solicitor
<b>Subject/Title:</b>	Compulsory purchase of Land to Facilitate the Crewe Green Link Road South
<b>Portfolio Holder:</b>	Councillor Jamie Macrae

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#### 1.0 Report Summary

- 1.1.1 The purpose of this report is to recommend the Cabinet formally resolve to use the Council's Compulsory Purchase powers to enable the acquisition of land to facilitate the Crewe Green Link Road South and to secure funding for the scheme from the Department for Transport (DfT)
- 1.1.2 This report is an update of a similar report approved by Cabinet in July 2011. This report is necessary to re-confirm the council's position in respect of compulsory purchase powers as further detailed design work has refined the land necessary to deliver the scheme.

#### 2.0 Decision Requested

- 2.1 To approve the use of the Council's Compulsory Purchase Powers to undertake the acquisition of land required for the scheme between the A500 roundabout and the A5020 Weston Gate roundabout.
- 2.2 An Order being made under Sections 239, 240, 246, 250, 260 and 327 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of Crewe Green Link Road South as shown on drawing No: B1772401/CPO/001 (Rev.1) or with such amendments to final plot boundaries as approved by the Strategic Director Places & Organisational Capacity.
- 2.3 The order be submitted to the Secretary of State for confirmation
- 2.4 That the Borough Solicitor and Strategic Director Places and Organisational Capacity be authorised to take all appropriate actions in this matter including:-
  - 2.4.1 To take all necessary action to secure the making and confirmation and implementation of the Order including the publication and service of all relevant notices and the presentation of the Council's case at any public inquiry and subsequent service of Notices to Treat and Notices of Entry or at their discretion the execution of General Vesting Declarations as the case may be if the Order is confirmed; and

- 2.4.2 To negotiate to acquire all interests in the land and new rights within the Order and rights and interests affected by the Order either by agreement or compulsorily including prior to the making of the Order and where appropriate to agree terms for relocation.
- 2.4.3 To approve agreements and undertakings with the owners of any interest in the Order and any objectors to the confirmation of the Order setting out the terms for the withdrawal of objections to the Order, including where appropriate; seeking inclusion in and/or exclusion from the Order of land or new rights; and
- 2.4.4 In the event that the question of compensation be referred to the Upper Tribunal (Lands Chamber) to take all necessary steps in relation thereto including advising on the appropriate compensation payable and
- 2.4.5 To appoint appropriate consultants if necessary to assist and advise in regard to the above
- 2.5. Note that in the meantime continuing efforts are being made to acquire the land by agreement to enable the Crewe Green Link Road to be progressed

### **3.0 Reasons for Recommendations**

- 3.1 The acquisition of this land enables the Council to proceed with the development and delivery of the Crewe Green Link Road (South). This is a vital new road connection as it provides a key strategic transport link to relieve congestion, safety and air quality issues in Crewe and provides access to the Basford East Regional Investment Site and an alternative route to Crewe Railway Station.
- 3.2 The completion of this road supports one of the Council's key priorities; Crewe Vision.
- 3.3 The land required to deliver this scheme is owned by the following parties:
  - A) The Duchy of Lancaster
  - B) Network Rail
  - C) Private individual (Mr & Mrs Whitby)
  - D) Co-operative Plc - *Developer land*
  - E) Private individual (Mr Witter) *Developer land*.
- 3.4 The Duchy of Lancaster generally has Crown Immunity from compulsory purchase legislation and so an acquisition by agreement is vital to deliver the scheme. Other landowners detailed in 3.3 have no such immunity from CPO legislation.
- 3.5 In recognition of their unique position, On the 1<sup>st</sup> November 2010 the Cabinet Member for Procurement, Assets and Shared Services resolved that *the land located off Weston Gate Roundabout in Crewe, as referred to in the report, be acquired from the Duchy of Lancaster on terms and conditions to be determined by the Head of Regeneration, Assets Manager*

*and Borough Solicitor.* A formal option agreement was entered into in November 2011 for a four year period.

- 3.6 Discussions with other land owners, Mr Whitby and Network Rail have been on-going since November 2009. Progress has been made with Network Rail and on the 16<sup>th</sup> January 2012 the Portfolio Holder for Prosperity agreed to the negotiated heads of terms. Work is now underway to exchange legal contracts on that basis and the target date for completion is September 2012. Discussions with Mr Whitby are still ongoing.
- 3.7 Discussions with the two developers have indicated their willingness to cede the land required for the road to the highway authority for a peppercorn transaction reflecting the potential development opportunity the road brings. However, in order to be able to demonstrate that all necessary land can be assembled for the scheme delivery, and as at this stage no formal agreement to this effect has been reached, it is considered prudent at this stage to include the developers land in the formal CPO action.
- 3.8 In addition to facilitating the eventual delivery of this scheme, initiating the CPO process over the entire land holding that is required to implement that scheme offers a 'security' and 'backstop' position in evidencing the deliverability of this scheme to the DfT
- 3.9 The Council has the requisite powers under Sections 239, 240, 246, 250, 260 and 327 of the Highways Act 1980 for the compulsory purchase of land and rights required. The principal power in the act is Section 239(1), which provides that a highway authority may acquire land required for the construction of a highway which is to be a highway maintainable at the public expense and Section 239(3) which allows a highway authority to acquire land for the improvement of a highway being an improvement which the authority is authorized to make under the Act. Reliance must also be placed on the other sections of the Highways Act 1980 in the circumstances of this case.
- 3.10 The powers of compulsory purchase contained in the Highways Act 1980 are subject to the distance limits set out in Section 249 and Schedule 18 of the Act
- 3.11 In considering whether to confirm a CPO the Secretary of State will need to be convinced that there is an compelling case in the public interest for compulsory acquisition as the use of such powers are to be considered a matter of last resort. Members should reach a similar decision before authorising its making on the balance of the information contained in this report.
- 3.12 In particular members will have consideration to the issues set out in this section of the report, the policy implications set out in Section 6 and the legal implications in Section 8.



- 3.13 If members are satisfied that compulsory powers are necessary on the facts then they are entitled to authorize the making of a Compulsory Purchase Order

#### **4.0 Wards Affected**

- 4.1 Haslington and Crewe East

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

- 5.1 Cllr John Hammond, Cllr David Marren, Cllr Margaret Martin, Cllr David Newton, Cllr Chris Thorley

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

- 6.1 The completion of Crewe Green Link Road will provide traffic relief to one of the busiest road corridors in the Borough, the A534 in Crewe. This relief will:

- Reduce congestion and therefore carbon from transport use benefiting climate change
- Reduce vehicular exhaust emissions in an air quality management area, therefore benefiting health
- Make walking and cycling more attractive supporting wider health benefits from physical activity

The completion of Crewe Green Link Road is a fundamental part of delivering the council's Local Plan aspirations for Crewe.

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

- 7.1 It is very difficult to estimate the costs associated with the CPO process due to the number of third party variables over which the Council has no control. On the basis that there is likely to be a Public Inquiry, costs are likely to range between £75,000 and £150,000. This estimate of costs would cover surveyors /solicitors / barristers / land referencers fees but does not cover any references to the Lands Tribunal in respect of compensation. The lower cost estimate assumes that elements of the CPO process are undertaken in-house.
- 7.2 The costs for preparation of the CPO in the 2012/13 financial year can be met through the LTP resources already approved for this scheme. An allocation for professional fees was included in the funding package submitted to the DfT which was approved in principle in September 2011. However, should the 'Final Approval' bid be unsuccessful the council would be liable for meeting any sunk costs from its own funding.
- 7.3 The actual costs for the land acquisition / compensation costs whether through the CPO process or by negotiation will be included in the overall funding bid for the Crewe Green Link Road Scheme.

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

- 8.1 The Council should use a specific power of compulsory purchase where available rather than a more general power. It is possible that the Council could use those powers contained in the Town & Country Planning Act 1990 in respect of the general economic well being of the area but, as this is a highways issue, the Highways Act powers are appropriate.
- 8.2 It has been pointed out that the use of compulsory purchase powers should be considered as a matter of last resort and that a compelling case in the public interest must be made out. Members are advised that acquisition by negotiation should continue and that the making of a resolution or indeed the CPO itself does not require that these be discontinued. Circular 06/2004 states:
- “Before embarking on compulsory purchase and throughout the preparation and procedural stages, an acquiring authority should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail. Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the time which needs to be allowed to complete the compulsory purchase process, it may be often sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations”
- It is therefore legally correct (subject to other issues) to authorise a CPO while negotiations are proceeding.
- 8.3. Members will need to be assured that there are no planning, financial, legal or physical impediments to the scheme. A planning application for the scheme was approved in August 2011. A further application will be submitted later this year to resolve outstanding environmental and construction issues.
- 8.4. There is a reasonable expectation of funding from the DfT (60% of the cost) with the scheme achieving programme entry in late 2011. A further submission to the DfT ('final approval') will have to be made when the council is in a position to deliver the scheme – this will include having a contractor on board and having the means to acquire the necessary land. This submission is currently anticipated to be made in January 2014.
- 8.5. The residual funding for the scheme is expected to come from a cocktail of developer funding and council contributions. The basis of the funding bid was detailed in a report to Cabinet on the 1<sup>st</sup> August 2011. A further report to Cabinet will be taken in due course explaining the full financial situation and any requirement for council funding prior to making the DfT submission for final approval.
- 8.6. Members will need to consider the Human Rights Act and Article 1 of the First Protocol to the European Convention on Human Rights. Although there are apparently no domestic dwellings within the proposed CPO land, Article 8 should also be considered.

- 8.7. Article 1 protects the rights of everyone to the peaceful enjoyment of their possessions. No person can be deprived of their possession except in the public interest and subject to the relevant national and international law.
- 8.8. Article 8 protects private and family life, the home and correspondence. No public authority can interfere with this interest except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the county
- 8.9. In considering the above Articles it should be noted that where such landowners as set out in 3.4 above may wish to carry out development of their land then the road will assist them in that regard, subject to any planning policies on any individual application, and they will be compensated for any land acquired under the CPO
- 8.10 Members will need balance whether the powers it is recommended are compatible with the European Convention on Human Rights. In weighing up the issues as set out in this report it may conclude that there is a compelling case in the public interest for the acquisition of land which will bring benefits to the residents and businesses of Crewe that could not be achieved by agreement and this outweighs the loss that will be suffered by existing landowners. The CPO will follow existing legislative procedures. All parties have the right to object to the CPO and attend a public inquiry arranged by the Secretary of State. Parties not included in the CPO may be afforded that right if the inquiry inspector agrees. The decision of the Secretary of State can be challenged by way of proceedings, following judicial review procedures. Those whose land is acquired will receive compensation based on the CPO compensation code principles and should the quantum of compensation be at dispute the matter can be referred to the Lands Tribunal for determination. The Courts have held that this framework complies with the Convention and as such a decision to proceed with the recommendation is compatible with the Human Rights Act

## **9.0 Risk Management**

- 9.1 Entering into the CPO process offers the 'security' that the Dft require to ensure a successful 'Final Approval' for the scheme. Negotiations will continue in parallel to CPO proceedings to ensure that where possible agreement is reached by private treaty outside of the CPO process.
- 9.2 Progressing a CPO would only occur after allowing an opportunity for any final negotiations. Ultimately however, the making of a CPO could be the only way to resolve the major area of uncertainty that could otherwise delay the proposed project programme.
- 9.3 The project programme key dates demonstrate that the scheme can be delivered even assuming the CPO process is necessary.
- 9.4 The council can notify the Secretary of State that it is no longer wishes to use its CPO powers in respect of any interest and request the Secretary of State

not to confirm the CPO over those interests at any time if negotiations are successful or if the council considers the financial risks to be too great.

## **10.0 Background and Options**

- 10.1 Negotiations have taken place with the landowners who have interests along the route of the Crewe Green Link Road by the former Cheshire County Council for nearly 10 years. Previously negotiations had taken place with the requisite land owners, the Duchy of Lancaster, Network Rail and Mr Whitby to reach a collective agreement but this was unsuccessful.
- 10.2 A decision was taken recently to resume negotiations but to proceed with each party on an individual basis. Negotiations with the Duchy of Lancaster & Network Rail have been successful.
- 10.3 Negotiations with Mr Whitby, though continuing, have thus far failed to reach an acceptable agreement.
- 10.4 The DfT operates a 'two stage' approval process for funding -
  - A) Programme Entry – award of funding 'subject to completion of statutory procedures and firm scheme costs'
  - B) Final Approval – award of monies.
- 10.5 Though negotiations will continue with Mr Whitby and Network Rail it is considered that having the option to exercise a CPO should negotiations fail will be a crucial component in accessing DfT funding (through the Final approval bid') The same consideration must also be given to the two Basford East developers.
- 10.6 CPO processes can be extremely lengthy. In this instance advice has been received suggesting the process could take up to twenty months. In this regard, the current programme demonstrates that in the event that land acquisition is via the CPO route, the council must commence proceedings immediately.

## **11.0 Access to Information**

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

Name: Paul Griffiths  
Designation: Principal Transport Officer  
Tel No: 01270 686353  
Email: paul.griffiths@cheshireeast.gov.uk

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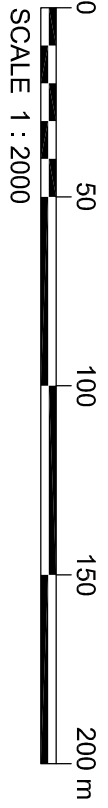
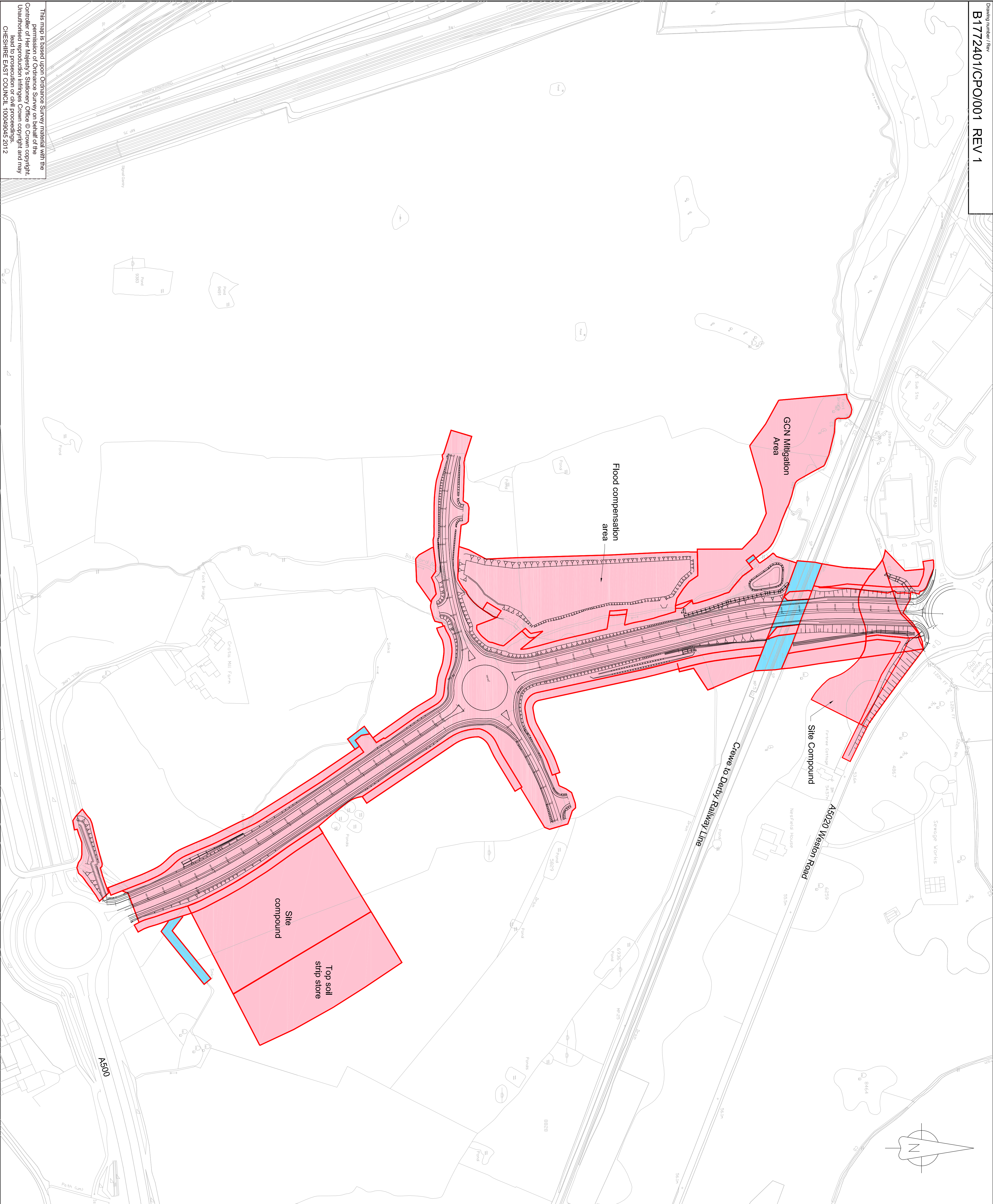


NOTES

1. All dimensions are in metres unless stated otherwise.

KEY

- Rights
- Title



MITIGATION AREAS REVIEWED									
1	AUG 2012	FIRST DRAFT	JMK	RB	AO	RS			
0	JUL 2012								
Rev	Rev. Date	Purpose of revision	Drawn	Checked	Rev'd	Approved			

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Project  
CREWE GREEN LINK  
ROAD (SOUTH)

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B1772401/CPO/001

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## CHESHIRE EAST COUNCIL

### Cabinet

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**Date of Meeting:** 20<sup>th</sup> August 2012

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

**Subject/Title:** Tenancy Strategy

**Portfolio Holder:** Cllr Jamie Macrae, Portfolio Holder for Prosperity

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#### **1.0 Report Summary**

- 1.1 The Localism Act 2011 places a requirement on all local authorities to produce a Tenancy Strategy which outlines their approach to flexible tenancies and enables Registered Providers of social housing to formulate their own tenancy policies. This report outlines the content of the Cheshire East draft Tenancy Strategy.

#### **2.0 Decision Requested**

- 2.1 To approve the Tenancy Strategy and to authorise Officers to take all necessary actions to implement the Strategy.

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

- 3.1 The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy within 12 months of enactment.
- 3.2 The draft Cheshire East Tenancy Strategy articulates our approach to flexible tenancies and will influence the development of Registered Providers' Tenancy Strategies.

#### **4.0 Wards Affected**

- 4.1 All wards

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

- 5.1 All Local Ward Members

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

- 6.1 Housing is fundamental to the well being and prosperity of our residents. There are direct connections between access to affordable, sustainable housing and health, educational attainment, carbon reduction and care for

older people. The Tenancy Strategy aims to ensure that access to limited social housing stock is fair and transparent.

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

- 7.1 There are no direct financial implications regarding implementation of the Strategy. However, the report notes changes to the welfare system; any related implications will be considered and reported separately.

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

- 8.1 The Localism Act 2011 (sections 150 - 151) places a duty on all Local Authorities to prepare and publish a Tenancy Strategy within 12 months of the provision coming into force. The strategy has to set out the matters to which registered providers of social housing in its district are to have regard to in formulating policies relating to tenancies and should contain the following:

- The kind of tenancies they grant,
- The circumstances in which they will grant a tenancy of a particular kind,
- Where they grant tenancies for a term certain, the lengths of the terms and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

Before adopting a Tenancy Strategy or modifying it Local Authorities must:

- Send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
- Give the private registered provider a reasonable opportunity to comment on those proposals.
- Consult such other persons as the Secretary of State may by regulations prescribe.

The authority must also have regard to:

- Its current allocation scheme under section 166A of the Housing Act 1996,
- Its current homelessness strategy under section 1 of the Homelessness Act 2002

## **9.0 Risk Management**

- 9.1 The Tenancy Strategy outlines the circumstances in which Registered Providers have to take due regard when considering the type of tenancy to issue to a tenant. There is no legal requirement for Registered Providers to adhere to the Council's strategy and therefore when formulating their policies they may decide not to follow the guidance of the Local Authority.

We have taken mitigating action by working with the three main Registered Providers to ensure that the strategy is workable for them.

- 9.2 A twelve week consultation period has allowed the general public and stakeholders to comment on the draft strategy, adhering to the requirements of the Localism Act 2011.

## **10.0 Background and Options**

- 10.1 The Localism Act 2011 places a duty on all local authorities to produce a Tenancy Strategy which sets out the matters which Registered Providers of social housing should have regard to when formulating their own tenancy policies. The act introduced flexible tenancies which enables Registered Providers (RPs) the ability to grant fixed term tenancies for a period of no less than 2 years. RPs can determine the type and duration of a tenancy offered to new tenants, including retaining lifetime tenancies.
- 10.2 Registered Providers will have to review their own Tenancy Management policies having due regard to the local authority Tenancy Strategy. It will ultimately be the RPs' decision what their tenancy management policy should be and what types of tenancy they will offer, but there is an expectation from the Government that RPs will work with local authorities to establish an approach which meets the needs of the local community.
- 10.3 In 2011 the Strategic Housing team started a process of consultation with RPs in order to work with them to produce a strategy which would meet the priorities of the authority, whilst ensuring that we did not make it too restrictive and unworkable for Registered Providers.
- 10.4 When developing the Tenancy Strategy consideration was given to Cheshire East Sustainable Community Strategy, along with the priorities for action including:
- Nurture strong communities – support the community to support itself
  - Support our children and young people - ensuring that all our children and young people make good progress in their learning regardless of where they live
  - Ensure a sustainable future - Provide affordable and appropriate housing
- 10.5 Our Housing Strategy, adopted in 2011, articulates our vision for housing including making the best use of existing stock and meeting the needs of our most vulnerable residents. Whilst the draft Tenancy Strategy ensures that we are making the best use of the limited social housing stock by introducing flexible tenancies, we need to ensure that the needs of some of our most vulnerable families and those with special needs are taken into consideration. Granting two year flexible tenancies as a blanket policy could potentially have a detrimental effect on our communities, and threaten children's educational attainment and the ability of some applicants

to have the opportunity to sustain a tenancy for a period of time to enable them to turn their lives around. Constant movement of residents could also impact on the sustainability of our communities. We have therefore advised RPs to take this into account when producing their own tenancy policies.

- 10.6 In 2013 we will see a series of the most significant changes to our welfare benefit system. We anticipate that the impact will include:
- increased demand for social housing as properties within the private rented sector become less affordable as a result of the reduction in Local Housing Allowance rates and the cap on benefit entitlement. Whilst flexible tenancies will not increase the level of accommodation available it will ensure that those in most housing need will be able to access housing.
  - Households having to seek alternative accommodation or bridge the gap between their Housing Benefits and their rent, as Housing Benefit entitlements change to reflect the family size; those households who are occupying a larger property than their household size warrants will experience a reduction in the housing benefit. The Tenancy Strategy emphasises the need for RPs to address under-occupation and overcrowding within their own policies and the Council's revised Allocations Policy has also taken this into account by giving additional priority to those that need to move due to changes in the welfare system.
- 10.7 **Consultation** - A workshop took place in November 2011 with both Members of Cheshire East and Board Members of the three main Registered Providers where the issue of flexible tenancies was debated. The comments and opinions influenced the development of the draft strategy.
- 10.8 During the consultation period a report was taken to the Environment and Prosperity Committee (24<sup>th</sup> April 2012) where the draft strategy was presented. The Tenancy Strategy was endorsed by the Committee.
- 10.9 A twelve week consultation period took place between March and June 2012 which gave Registered Providers, Stakeholders and the general public the opportunity to make comments on the Strategy.
- 10.10 We received 44 responses to the consultation:
- Cheshire East residents – 36 responses  
Registered Providers – 4 responses  
Community or Voluntary Groups – 1 response  
Other – 3 responses
- 10.11 Overall there was a positive response to the draft strategy with only one respondent disagreeing with the strategy vision and aim.

10.12 Comments included the need for more housing and responses from Registered Providers indicated where they felt that they could not adhere to the strategy which included:

- One Registered Provider advised that they will only be using flexible tenancies on affordable rent properties and therefore will not be in a position to allocate five-year flexible tenancies to households without children on all new lets, or provide lifetime tenancies for those families accessing larger family accommodation.
- Clarification was sought on one of the points within the Circumstances in which a tenancy would not be granted and related to changes in tenant's circumstances where a tenant has demonstrated a high enough income to comfortably afford market housing (to purchase) and arguably the social housing they are occupying would be better used by someone in greater need.

Both of these points were discussed by the Working group and it was felt that:

- The Tenancy Strategy allows the flexibility for Registered Providers to grant flexible tenancies where they feel it is most appropriate taking into consideration the circumstances of the applicants and the area – no further changes are therefore required to the Tenancy Strategy.
- In relation to the ability to determine if an applicant's income would enable them to seek alternative accommodation, It was decided that further clarification was required and an amendment has been incorporated into the Strategy within "circumstances in which a tenancy would not be granted" and now includes:

In making this judgement consideration should be given to:

- Median cost of a similar property in a similar location.
- Total income
- Expenditure
- Eligibility for a mortgage, taking into account the age of the applicant and the mortgage term required.

10.13 Overview of the Tenancy Strategy:

Contained within the strategy's vision are the issues we would expect an RP to consider when determining tenancy terms including:

- Enabling families to grow and develop without the threat of having to uproot their children from schools, which could threaten their educational attainment.
- Enable those with special needs to establish support networks, access services and have a property adapted if necessary.

- Give those needing an opportunity to turn their lives around the ability to access settled accommodation for an appropriate period of time.
- Make the best use of our housing stock, reducing levels of under occupation and overcrowding across the authority.

10.14 When developing the strategy consideration was given to the local context, the local housing market, affordability rates, housing need and demand. The findings are outlined within the strategy.

**11.0 Type of tenancies** -The strategy outlines the type of tenancies available to RPs which includes:

- Full assured social rent
- Full assured affordable rent
- Fixed-term social rent
- Fixed term affordable rent

The Strategy outlines our belief that RPs should grant the most secure form of tenancies which are compatible with the purpose of the accommodation, the needs of the individual households, sustainability of the community and the efficient use of their housing stock and we have recommended that:

- Fixed-term tenancies should normally be offered for a minimum period of five years, including any probationary period.
- In certain circumstances, tenancies exceeding a five year period (for example a lifetime tenancy) may be granted for some tenants where appropriate, in order to provide an additional degree of stability and security. Cheshire East Council recommends that the following circumstances should be given due regard for tenancies exceeding five years: households who have dependent school-aged children attending a local school; those living in adapted properties, and those with long-term support needs.

**12.0 Renewal of tenancies** – The draft strategy outlines our expectation that in the majority of cases renewal of tenancies should take into consideration the current circumstances of the household and the need for a property of the type and size that they presently occupy. It is also stated that in the event that a tenancy is not renewed due to under occupancy then the household would be given priority in line with Cheshire East's Allocations Policy.

**13.0 Circumstances in which a tenancy would not be granted** -The strategy states that in the following circumstances registered providers may consider not renewing the tenancy and these include:

- Property under-occupied (this may not apply to young childless couples or those with families that may expand)
- Property which is severely overcrowded – as defined in line with the Allocations Policy (to prevent low quality housing conditions developing)
- Suitability of property, e.g. (where a property could suit the needs of another potential occupier of greater need- a bungalow for an elderly couple or an adapted property that is no longer occupied by a person needing those adaptations.
- The tenant has been a perpetrator of domestic violence -victims of domestic violence who need to move to a more suitable location would be dealt with via tenancy management, as well as tenants suffering harassment or needing to move under the witness protection programme.
- To balance tenant mix in an estate/development - this would need to be linked into any local lettings policies or neighbourhood/estate plans where they are used.
- Change in tenant's circumstances - tenant has demonstrably a high enough income to comfortably afford market housing (to purchase) and arguably the social housing they are occupying would be better used by someone in greater need. Further clarification has been given by adding: In making this judgement consideration should be given to:
  - Median cost of a similar property in a similar location.
  - Total income
  - Expenditure
  - Eligibility for a mortgage, taking into account the age of the applicant and the mortgage term required.
- The conduct of the tenant throughout the fixed term is deemed to be unacceptable- this could include anti social behaviour, rent arrears or property management issues.

**13.1** The strategy outlines what is expected of Registered Providers should they not renew a tenancy, which includes giving six months notice and providing the tenant with housing advice which will enable them to make informed housing decisions.

#### **14.0 Access to Information**

The full draft Tenancy Strategy is attached to this report:

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Appendix One.

## **Cheshire East Council Draft Strategic Tenancy Policy January 2012**

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- 3. LOCAL CONTEXT**
- 4. HOUSING NEED, DEMAND & SUPPLY**
- 5. HOUSING AFFORDABILITY**
- 6. APPLYING FLEXIBLE TENANCIES**
- 7. RENEWAL OF TENANCIES**
- 8. CIRCUMSTANCES WHEN A FURTHER TENANCY MAY NOT BE GRANTED**
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## **1. INTRODUCTION**

On 15 November 2011, the Localism Bill received Royal Assent, becoming an Act. The Act introduces a number of social housing reforms, including placing a duty on Local Authorities to produce a Strategic Tenancy Strategy.

Contained within the Act is the introduction of flexible tenancies which enables Registered Providers (RPs) to grant fixed term tenancies for a period of no less than 2 years - The Localism Act will allow RP's to have the ability to determine the type and duration of a tenancy offered to new tenants as well as retaining the option to offer lifetime tenancies.

Cheshire East Council's Strategic Tenancy Strategy sets out the broad objectives, which will assist the Registered Providers to formulate their own Tenancy Management policies. Including:

- What kind of tenancy to offer
- Circumstances in which the landlord will grant a tenancy of a particular kind
- Where a tenancy is for a set term, the length of term
- Circumstances in which the landlord will grant a further tenancy on the ending of the existing tenancy.

It will ultimately be the Registered Providers' decision in relation to the types and duration of tenancies they will offer, but there is an expectation that RPs will take due regard of the Strategic Tenancy Strategy, in order to establish an approach which meets the needs of the local community.

## **2. CHESHIRE EAST'S VISION**

Cheshire East Council welcomes the introduction of flexible tenancies. Flexible tenancies represent an opportunity to address key issues within the Borough, such as; how to make best use of Cheshire East's limited affordable housing stock, how to tackle under-occupation and how to improve stock turnover. Cheshire East Council however, places the highest importance on ensuring that the most vulnerable tenants are provided with the level of stability they require, and that flexible tenancies should be implemented in accordance with this position.

When developing our strategy, the vision for Cheshire East, contained within the Sustainable Community Strategy, along with the priorities for action were considered:

*“Cheshire East is a prosperous place where all people can achieve their potential, regardless of where they live. We have beautiful productive countryside, unique towns with individual character and a wealth of history and culture. The people of Cheshire East live active and healthy lives and get involved in making their communities safe and sustainable places to live.”* (vision for Cheshire East in 2025)

Priorities for action which were taken into account:

- Nurture strong communities – support the community to support itself
- Support our children and young people - ensuring that all our children and young people make good progress in their learning regardless of where they live
- Ensure a sustainable future - Provide affordable and appropriate housing

In addition consideration has also been taken to the priorities within both the Housing Strategy and Homelessness Strategy.

Cheshire East wants to be able to offer everyone in housing need the opportunity of a stable home, which they can sustain. In order to achieve this, a tenancy has to be for a sufficient length of time to enable residents to integrate and contribute towards a sustainable community. To establish a sustainable community there has to be a mix of occupants with a variety of incomes, those working and those who require support in order to establish some stability and the opportunity to aspire to gain employment.

**When determining tenancy terms consideration should be given to:**

- Enabling families to grow and develop without the threat of having to uproot their children from schools, which could threaten their educational attainment.
  - Enable those with special needs to establish support networks, access services and have a property adapted if necessary.
  - Give those needing an opportunity to turn their lives around the ability to access settled accommodation for an appropriate period of time.
  - Make the best use of our housing stock, reducing levels of under occupation and overcrowding across the authority.

In creating this Tenancy Strategy, Cheshire East Council has taken account of various issues, including; the local context, the local housing market, affordability rates, and need and demand.

### **3. LOCAL CONTEXT**

Cheshire East has a population of 362,700 making it the 3<sup>rd</sup> largest unitary authority in the North West. Cheshire East has a diverse rural/urban profile. The area is classed as significantly rural, with more than half the population living in rural or

rural market town areas. The other eight towns, although urban, have outskirts which contain areas classified as more rural than urban.

Cheshire East has a strong local economy which contributes nearly 7% to regional output. However there are pockets of significant deprivation in Cheshire East. There are 14 Lower Level Super Output Areas<sup>1</sup> in Cheshire East that rank within the 20% most deprived in England. Overall, this equates to 6 percent of the population. In terms of income, health, crime and employment, people in Crewe and Nantwich have greater difficulties than the other former boroughs. Of the fourteen areas, eleven are within the urban area of Crewe and two within Handforth, part of the former Macclesfield district.

Area	116,638 hectares
Households	163,280 <sup>2</sup>
Population	362,700 <sup>3</sup>
Males	184,500 (50.9%)
Females	178,200 (49.1%)

The population profile of Cheshire is slightly older than that of England and Wales as a whole. Total population forecast to increase by approximately 23,000 to around 383,600 by 2027.

Over the next twenty years it is anticipated that the number of births will fall slightly. The Population aged 65 or above will increase by over 50% with the number of residents aged 85 or above anticipated to double.

Demographics	Cheshire East	North West	England
Children (0-15)	18.2%	18.8%	18.7%
Working age (16-64M/59F)	59.3%	61.5%	61.9%
Older people (65M/60F and over)	22.5%	19.7%	19.3%
85+	1.8%	1.5%	1.5%
White British	93.4%	89.4%	83.6%
White Irish/Other	2.9%	2.7%	4.6%
Black and Minority Ethnic	3.6%	7.9%	11.8%

## Housing Market Information

Assessing statistics and information from the Housing Market enables Cheshire East to identify key trends to support recommendations in relation to tenancy type, length and rent levels in the area.

Tenure <sup>7</sup>	Cheshire East	North West	England
	88.3%		
Private Sector	(143,270)	81.3%	82.0%
Housing	11.6%		
Association	(18,776)	13.7%	9.9%

<sup>1</sup> Lower Level Super Output Areas explained in Glossary of Terms.

Other Public			
Sector	0.1% (115)	0.1%	0.3%
LA Stock	0.0% (23)	4.9%	7.9%

The number of housing benefit claimants in Cheshire East is **18,868**.

The percentage of those claimants renting in the social sector is 67% compared to 33% in the private sector.

The three pieces of information outlined above demonstrate that although a high proportion of residents in Cheshire East are in private sector accommodation, the percentage of those tenants whose income comprises of a housing benefit payment is almost twice as low as those residing in the social housing sector. Affordability of the social housing sector for people who are dependent on Welfare Benefits is therefore a key consideration for Cheshire East and is discussed in more detail in Section 5 on Affordability.

#### Broad Rental Market Rates (BRMA)

Monthly BRMA Rates					
BRMA	1 bed shared	1 bed self-contained	2 bedrooms	3 bedrooms	4 bedrooms
Dec-11	345.15	425.01	549.99	700.01	995.02
Nov-11	339.99	425.01	549.99	694.98	995.02
Oct-11	339.99	425.01	549.99	694.98	950
Sep-11	339.99	425.01	549.99	694.98	950
Aug-11	335.01	425.01	524.98	694.98	942.99
Jul-11	314.99	425.01	524.98	694.98	950
Apr-10	342.07	423.84	558.48	698.1	1181.74
Apr-09	343.5	450.02	549.99	699.01	1100.02

Tables 1.1 to 1.9 (see appendices) combined with the information around the Broad Rental Market Rates shows that even if Registered Providers were to change some of their properties to the Affordable Rental Model whereby they can charge up to 80% of the market rent, the cost of renting in the private sector would still require some households in receipt of housing benefits to find the shortfall between rent charged and amount received in Housing Benefit.

All of this evidence combined demonstrates support for Registered Providers only introducing the Affordable Rental model on certain properties in particular localities otherwise even more properties becoming unaffordable to people who are dependent on Housing Benefits. This information also supports the position that Cheshire East Council would like Registered Providers to ensure that rents charged for affordable rental properties do not exceed the Local Housing Allowance Rate that is appropriate for the property size. This would avoid the rents for properties in high value areas becoming increasingly unaffordable.

#### **4. HOUSING NEED, DEMAND & SUPPLY**

Cheshire East Council has been operating a common housing register with its three largest social housing providers since April 2010. The register called Cheshire Homechoice holds information related to people who are interested in accessing social housing in the area. Data from the Cheshire Homechoice Housing Register shows that as of January 2011 there were 10,502 applicants on the housing register. The data collected, represented in the tables below indicates that the highest demand is for one and two bedroom properties and the majority of applicants are aged between 25 and 44 years old.

##### **Bedroom requirements**

Households requiring 1 bedroom	4178
Households requiring 2 bedrooms	4017
Households requiring 3 bedrooms	1954
Households requiring 4 bedrooms	325
Household requiring more than 4 bedrooms	28
<b>Total</b>	<b>10502</b>

##### **Age of main applicants**

16-24 years	1651
25-44 years	4533
45-59 years	2107
60 plus years	2211
<b>Total</b>	<b>10502</b>

##### **Household types**

Older people	1803
Single adult	3558
Multi adult no children	869
Lone parent	2325
Multi adult with no children	1947
<b>Total</b>	<b>10502</b>

##### **Re-lets during 2010/11 by property type**

This table shows the breakdown of properties let recorded by all Registered Providers in Cheshire East during 2010/11.

	1 bed	2 bed	3 bed	4 bed	5+ Beds	Total
<b>Flat/ Maisonette</b>	406	235	7	0	0	648
<b>Bed-sit</b>	7	0	0	0	0	7
<b>House/ Bungalow</b>	74	239	251	15	0	579
<b>Shared Flat/ Maisonette</b>	1	0	0	0	0	1
<b>Shared House/ Bungalow</b>	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0
<b>Total</b>	489	475	258	15	0	1237

Source: Core new lettings summary statistics Apr 10 – Mar 11

The information from the register in relation to household makeup and the demand and supply clearly demonstrates that family type properties are in highest demand yet the turnover of properties relative to that demand is quite low. The evidence in relation to age of applicant and household demonstrates that people seeking to access social housing are mainly families who are potentially looking for their first family home. This supports Cheshire East's position that fixed term tenancies should be considered on family type properties to ensure that the turnover of these properties is at a steady level to meet a fairer balance between demand and supply. However, Cheshire East Council would like to see consideration given by Registered Providers in balancing the need for these properties to be available to others with the need to offer families a stable accommodation base so that families can grow and develop and children and young people can meet educational aspirations.

### Supply and Demand

Based on figures for 2010/11 the table below demonstrates how supply compares to the demand by property size.

	Supply	Demand	% Shortfall
<b>1 bed</b>	489	4178	88%
<b>2 bed</b>	475	4017	88%
<b>3 bed</b>	258	1954	87%
<b>4 bed</b>	15	325	96%



<b>5+ Bed</b>	0	28	100%
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This table demonstrates that four and five bedroom properties are in high demand yet the availability is limited therefore Cheshire East Council recommend that consideration is given to this before offering a lifetime tenancy on larger properties.

Based on figures for 2010/11 the table below demonstrates how supply compares to demand by household type and demonstrates the difficulties Cheshire East faces in terms of stock turnover.

	Supply	Demand	% Shortfall
Older people	130	1803	93%
Single person	488	3558	86%
Multi adult	121	869	86%
Household with children	496	4272	88%

Based on figures for 2010/11 the table below demonstrates how supply compares to demand by age of eldest applicant.

	Supply	Demand	% Shortfall
16-24 years	257	1803	93%
25-44 years	643	3558	86%
45-59 years	205	869	86%
60 plus years	129	2325	94%

When offering fixed term tenancies, RP's should have regard to the demand for property by household types to strike a balance to ensure properties can be returned for other households in need at an appropriate rate, whilst offering some stability to households to support the following: settled communities; opportunities for housing aspirations to be achieved and support to enable stability and security to be achieved.

### **Tenancy Lengths of tenancies terminated in 2010/11**

Information in relation to the tenancies being terminated between April 2010 and March 2011 shows that almost half of the tenancies with the three largest Housing Providers in Cheshire East were ended after 5 years or less. This supports the Local Authority's guidance to offer 5 year fixed term tenancies to households without children.

The table below shows the length of tenancies, held by Wulvern, Plus Dane and Peaks & Plains, that were ended in 2010/11.

0-5 years	45%
6-10 years	21%
11-20 years	20%
21+ years	14%

This table demonstrates the length of all existing tenancies held with Wulvern, Plus Dane and Peaks & Plains.

0-5 years	38%
6-10 years	16%
11-20 years	28%
21+ years	18%

Of the tenancies ended in 2010/11 only 42 were ended as a result of eviction, 34 of these were as a result of excessive rent arrears and just 8 because of anti-social behaviour. The average level of arrears at the point of eviction across the homechoice partnership was £2500. Following this trend CEC would expect a very similar number of non-renewals of fixed term tenancies on the grounds of rent arrears and anti-social behaviour.

On 1 January 2011 there were 412 social housing tenants registered with Cheshire Homechoice who are experiencing overcrowding and 283 who are under occupying their current home. Cheshire East Council would recommend that when Registered Providers are considering not renewing a fixed term tenancy on the grounds of overcrowding or under occupation, they carefully consider the availability of suitable alternative accommodation and also the best use of the space available in a property.

## 5. HOUSING AFFORDABILITY

It is a priority for Cheshire East that rent levels across the borough remain at an affordable level. The ability for RPs to introduce affordable rents at a maximum of 80 % of the market rent for comparable properties in the area could potentially have an impact on the average rental prices in the area and reduce the number of properties available to people on lower incomes. Cheshire East would like RPs to carefully consider which properties are converted to affordable rent levels as the Local Authority is keen to prevent large disparities in rent levels between different localities. This will also ensure that rents remain affordable for both low income and working households as well for households who depend on welfare benefits.

- The proposed reforms to housing benefit will reduce affordability levels for some households due to the age at which a household will receive the shared room rate for being raised to 35; however, it is difficult to accurately measure the potential impact of these changes.

- For Cheshire East as a whole, 92% of all households have an income sufficient to afford a rent set at 80% of the private sector average.
- These figures suggest that there is some potential for higher (affordable) social housing rents in the future, even for those currently in the social rented sector or seeking access to it.
- Housing benefit contributes significantly to the number of households that are able to afford rents set at 80% of average market rents. In many Local Area Partnerships (LAPs), (with the exception of Knutsford and Wilmslow), over 90% of households with one person under the age of 35 are able to afford rents at 80% of the average private level with the aid of housing benefit. The level of affordability with the aid of benefits increases to around 90% for social rented tenants. (Except in Knutsford, Wilmslow and Poynton.)
- It may be more realistic to limit affordable rents further in high rent/high value areas.
- The reason for rent variations at LAP level could be explained as a result of using the average cost of renting in the private sector in Cheshire East as well as the range of rents around this average. Currently, the 80% private rent threshold is close to £100 per week for the local authority as a whole; however, the range in the LAP areas is from £80-£150. Additionally, there are more areas with threshold rents below the local authority average than above, so a realistic range at current costs might be between £80 and £120 per week.

Additional Information on affordability can be found in the Appendices of this document.

## **6. APPLYING FLEXIBLE TENANCIES**

The information and evidence gathered in earlier chapters has formed the basis of the following recommendations to Registered Providers

In order to achieve the outcomes mentioned earlier in this strategy, which included; how to make best use of Cheshire East's limited affordable housing stock, how to tackle under-occupation and how to improve stock turnover, Cheshire East Council recommends that the following are taken account of in the Housing management policies of RPs;

RPs will have 4 options available to them in relation to which type of tenancy to grant:

- Full assured social rent
- Full assured affordable rent
- Fixed-term social rent

- Fixed term affordable rent

Cheshire East Council believe RPs should grant the most secure form of tenancies which are compatible with the purpose of the accommodation, the needs of the individual households, sustainability of the community and the efficient use of their housing stock. This is especially appropriate for people who are vulnerable by virtue of age, disability or illness, and households with children, as they should be provided with a “reasonable degree of stability”. Therefore:

- **Fixed-term tenancies should normally be offered for a minimum period of five years**, including any probationary period.
- **In certain circumstances, tenancies exceeding a five year period (for example a lifetime tenancy) may be granted for some tenants where appropriate, in order to provide an additional degree of stability and security. Cheshire East Council recommends that the following circumstances should be given due regard for tenancies exceeding five years:** households who have dependent school-aged children attending a local school; those living in adapted properties, and those with a long-term support need.

Revised Draft Direction to the Regulator states that people who are existing tenants when s132 of the Act comes into force are to be given a tenancy “with no less security” if they subsequently transfer with the exception of tenants choosing to move to accommodation let on Affordable Rent terms.

Fixed term tenancies are likely to be used more in high demand properties/area where need for particular accommodation exists side by side with significant levels of under occupation.

## 7. RENEWAL OF TENANCIES

- In the majority of circumstances, **housing providers should seek to renew a tenancy at the end of a fixed-term but should take into account the following in reaching this decision: The current circumstances of the household and the need for a property of the type and size that they presently occupy. This will support the Local Authority’s focus on addressing issues such as under-occupation, and to making better use of adapted accommodation which is no longer required by a household and for which there is a local need. This decision should be taken in the context of the local housing demand balanced against the supply of the property type in question.**
- Households whose tenancies are not renewed on the basis of under-occupation will receive an appropriate priority in alignment with the Cheshire Home Choice Allocations Policy.
- Where the intention is not to renew a tenancy at the end of a fixed-term, **affordable housing provider’s policies should clearly set out how the tenant can register a complaint or appeal against tenancy decisions.**

Cheshire East Council understands that where tenancies are renewed the rent may change as the property would be subject to a new assessment of the market rent.

## **8. CIRCUMSTANCES WHEN A FURTHER TENANCY MAY NOT BE GRANTED**

In the guidance, the TSA's revision to the tenancy standard consultation document suggested that "Where registered providers choose to offer Affordable Rent they should offer reasonable advice and assistance to those tenants where that tenancy ends and landlords determine that a further tenancy will not be issued to them" Unless there has been significant change of circumstances following a review, the tenancy should be renewed for a further period; ending of tenancies is likely to be the exception & not the rule.

Cheshire East Council recommends the following are **considered** where a tenancy may not be extended:

- Property under-occupied (this may not apply to young childless couples or those with families that may expand)
- Property which is severely overcrowded – as defined in line with the Home Choice Allocations Policy (to prevent low quality housing conditions developing)
- Suitability of property e.g. (where a property could suit the needs of another potential occupier of greater need- a bungalow for an elderly couple or an adapted property that is no longer occupied by a person needing those adaptations.
- The tenant has been a perpetrator of domestic violence, victims of DV who need to move to a more suitable location would be dealt with via tenancy management as will tenants suffering harassment or needing to move under the witness protection programme.
- To balance tenant mix in an estate/development- this would need to be linked into any local lettings policies or neighbourhood/estate plans where they are used.
- Change in tenant's circumstances- tenant has demonstrably a high enough income to comfortably afford market housing (to purchase) and arguably the social housing they are occupying would be better used by someone in greater need. In making this judgement consideration should be given to:
  - Median cost of a similar properties in a similar location.
  - Total income
  - Expenditure

- Eligibility for a mortgage, taking into account the age of the applicant and the mortgage term required.
- The conduct of the tenant throughout the fixed term is deemed to be unacceptable- this could include ASB, rent arrears or property management issues.

## 9. REQUIREMENTS FROM REGISTERED PROVIDERS

Households affected by the termination of a tenancy should be provided with 6 months advance notice that their tenancy will not be renewed and appropriate advice & assistance should be given throughout this period that will assist them to secure alternative accommodation, this should include advice on low-cost home ownership options & other affordable housing tenures, specialist housing & welfare related advice & signposting to appropriate advice services & advice on renting in the private sector including identifying and securing a suitable property. Cheshire East Council will develop a protocol which will be a joint approach between the Local Authority and RPs, about how advice and assistance will be carried out between services.

- Tenants affected by points 1 & 3 above should be offered an alternative property suited to their needs.
- Tenants affected by point 6 above should have an assessment of financial capacity that ensures that it does not act as a disincentive to work.
- The housing provider's policies should set out how the tenant can register a complaint or appeal against tenancy decisions.
- Housing Providers should conduct a thorough review of the tenancy & set realistic timescales in which this will be completed
- Cheshire East Council recommends that Tenancy health checks are completed at intervals throughout the duration of a tenancy.
- If all the above measures are put in place, increases in the levels of homelessness in Cheshire East should be prevented.

## 10. GOVERNANCE

### Monitoring and Reviewing the Tenancy Strategy

It is proposed that Cheshire East Council will continue to utilise the Tenancy Strategy Working Group and feedback via the Strategic Housing Delivery Group.

*We will investigate how we can ensure compliance with the strategy by including a suitable clause within future Section 106 agreements. ?*

## 11. EQUALITY AND DIVERSITY

An initial Equality Impact Assessment (EIA) was carried out in December 2011 to place equality and inclusion at the centre of our thinking and enable us to assess the likely impact of this strategy. It was found that this strategy would not have a detrimental impact on any minority group.

The Tenancy Strategy Working Group will continue to monitor this Equality Impact Assessment at regular intervals, and copies of the EIA can be found on Cheshire East Council's website entitled "Tenancy Strategy Equality Impact Assessment".

## 12. GLOSSARY OF TERMS

Term	Description
Lower Level Super Output Areas	Super Output Areas (SOAs) are a new national geography for collecting, aggregating and reporting statistics. Lower Level SOAs are made up from groups of Census Output Areas, have an average of 1,500 residents and nest within wards.
TSA	Tenant Services Authority
RP's	Registered Providers
DV	Domestic Violence
ASB	Anti-Social Behaviour

## 13. APPENDICES

The following appendices comprise a number of tables and graphs which provide additional information relating to house prices, rent levels, affordability, and income dispersion across Cheshire East.

Graph 1.7 – House Prices

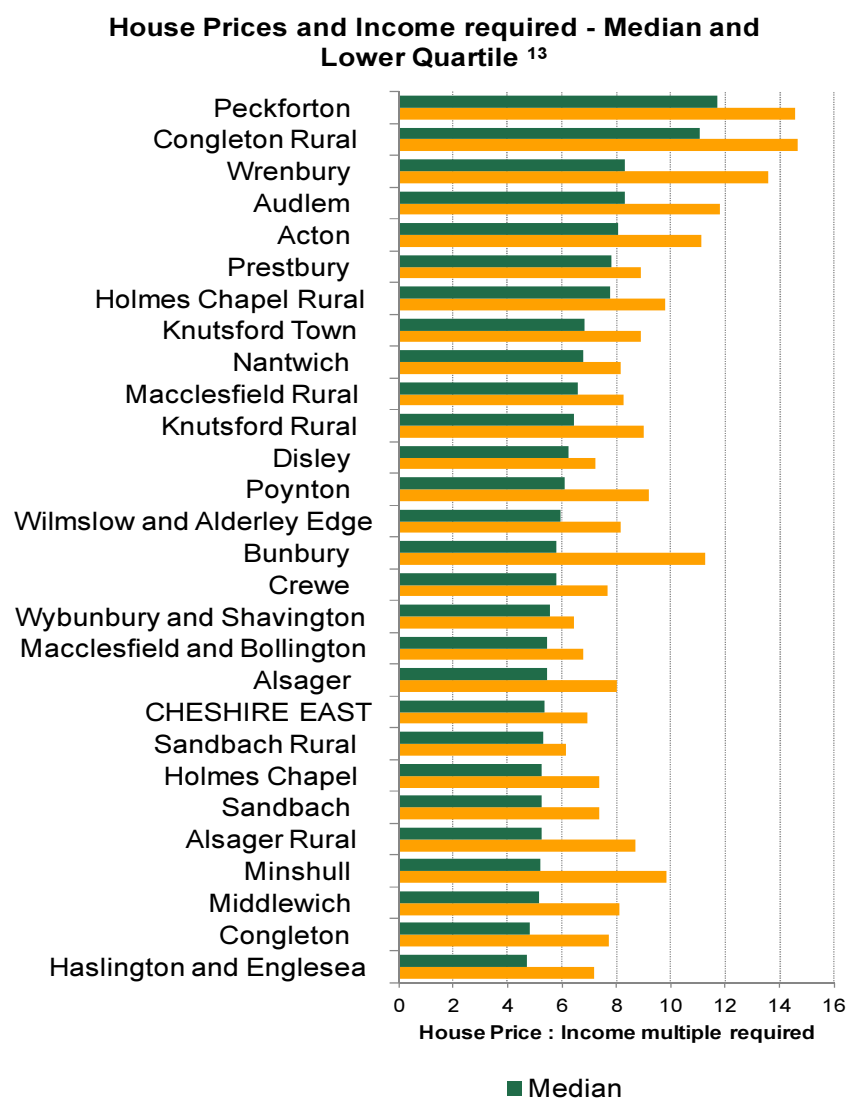




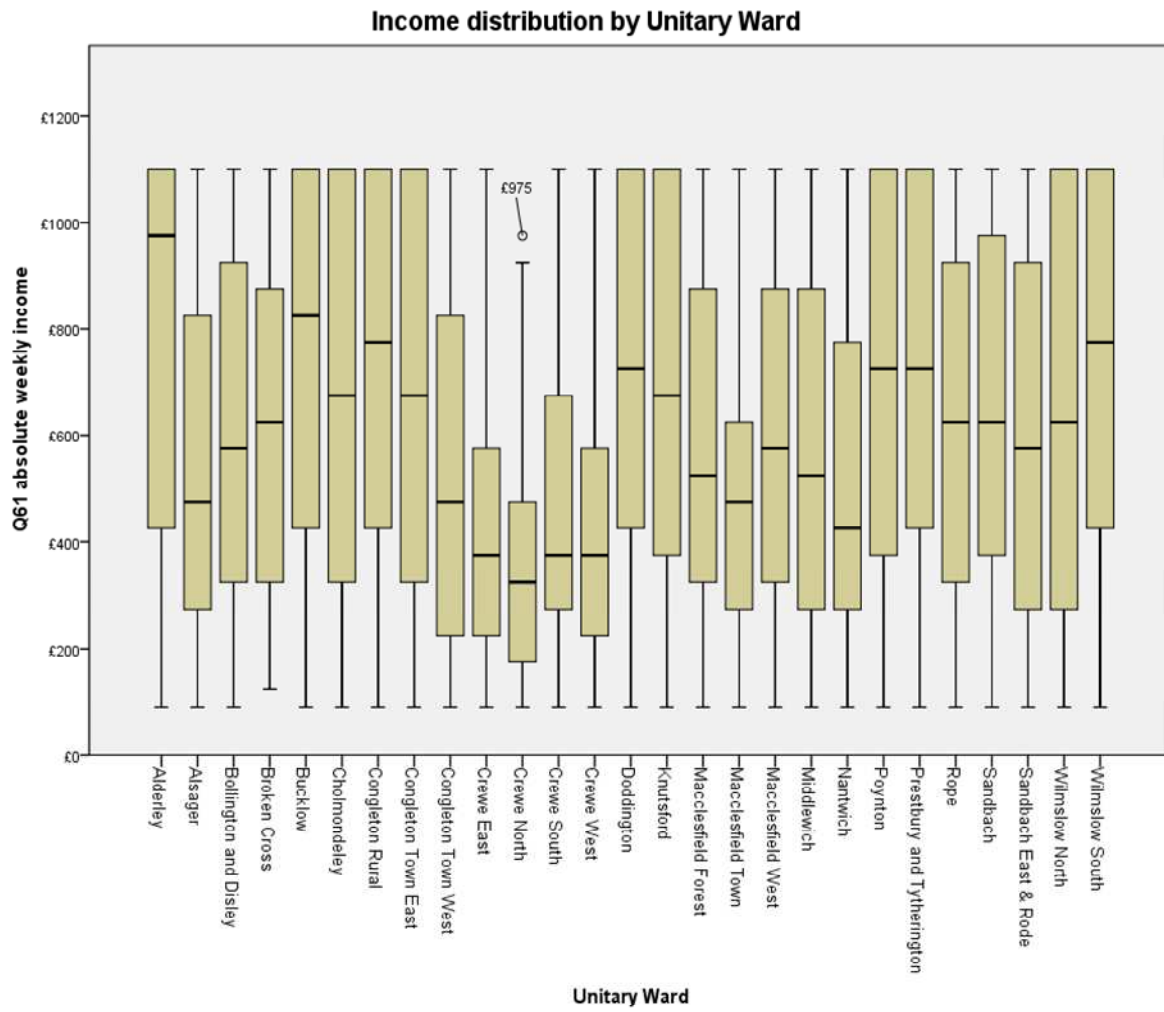
Table 1.1 – Average private rent and affordable rent levels per Ward.

Area name	Area code	Private Rents - Asking - Median			80% of OMR Median		
		1 Bed Weekly Cost	2 Bed Weekly Cost	3 Bed Weekly Cost	1 Bed Weekly Cost	2 Bed Weekly Cost	3 Bed Weekly Cost
Cheshire East (UA)	00EQ	98	126	150	78	101	120
Alderley Ward	00EQMA	132	190	252	106	152	202
Alsager Ward	00EQMB	92	126	126	74	101	101
Bollington and Disley Ward	00EQMC	109	137	173	87	110	138
Broken Cross Ward	00EQMD	98	137	166	78	110	133
Bucklow Ward	00EQME	147	173	229	118	138	183
Cholmondeley Ward	00EQMF	114	126	160	91	101	128
Congleton Rural Ward	00EQMG	97	137	160	78	110	128
Congleton Town East Ward	00EQMH	91	111	137	73	89	110
Congleton Town West Ward	00EQMJ	81	109	150	65	87	120
Crewe East Ward	00EQMK	90	108	124	72	86	99
Crewe North Ward	00EQML	80	103	126	64	82	101
Crewe South Ward	00EQMM	82	103	126	66	82	101
Crewe West Ward	00EQMN		108	126		86	101
Doddington Ward (00EQ)	00EQMP	103	124	159	82	99	127
Knutsford Ward	00EQMQ	121	167	196	97	134	157
Macclesfield Forest Ward	00EQMR	98	121	150	78	97	120
Macclesfield Town Ward	00EQMS	98	115	150	78	92	120
Macclesfield West Ward	00EQMT	91	121	155	73	97	124
Middlewich Ward	00EQMU	91	121	138	73	97	110
Nantwich Ward	00EQMW	114	126	155	91	101	124
Poynton Ward	00EQMX		150	173		120	138
Prestbury and Tytherington Ward	00EQMY	121	132	219	97	106	175
Rope Ward	00EQMZ		121	144		97	115
Sandbach East and Rode Ward	00EQNB	91	120	144	73	96	115
Sandbach Ward	00EQNA	103	121	144	82	97	115
Wilmslow North Ward	00EQNC	98	150	169	78	120	135
Wilmslow South Ward	00EQND	126	167	219	101	134	175

Table 1.2 – Percentage of household incomes spent on rent by ward.

Area name	Average weekly rent Registered Provider (RP)	Average weekly market rent 2 Bed Weekly rent (a)	2 Bed Weekly rent 80% of (a)	Average weekly incomes <sup>1</sup>	% of income on rent
Cheshire East (UA)	70	126	101	575	18%
Alderley Ward	72	190	152	975	16%
Alsager Ward	72	126	101	475	21%
Bollington and Disley Ward	72	137	110	575	19%
Broken Cross Ward	72	137	110	625	18%
Bucklow Ward	72	173	138	825	17%
Cholmondeley Ward	68	126	101	675	15%
Congleton Rural Ward	72	137	110	775	14%
Congleton Town East Ward	72	111	89	675	13%
Congleton Town West Ward	72	109	87	475	18%
Crewe East Ward	68	108	86	375	23%
Crewe North Ward	68	103	82	325	25%
Crewe South Ward	68	103	82	375	22%
Crewe West Ward	68	108	86	375	23%
Doddington Ward	68	124	99	725	14%
Knutsford Ward	72	167	134	675	20%
Macclesfield Forest Ward	72	121	97	525	18%
Macclesfield Town Ward	72	115	92	475	19%
Macclesfield West Ward	72	121	97	575	17%
Middlewich Ward	72	121	97	525	18%
Nantwich Ward	68	126	101	425	24%
Poynton Ward	72	150	120	725	17%
Prestbury and Tytherington Ward	72	132	106	725	15%
Rope Ward	68	121	97	625	16%
Sandbach East and Rode Ward	72	120	96	575	17%
Sandbach Ward	72	121	97	625	16%
Wilmslow North Ward	72	150	120	625	19%
Wilmslow South Ward	72	167	134	775	17%
Note	1 Weekly income of HRP, Housing Needs Survey (SHMA), 2010, Arc4. Figures are derived from £50 weekly income brackets, with the middle figure taken as the absolute figure				

Graph 1.3 – Income distribution by Unitary Ward



## Tables: 1.4, 1.5, 1.6, 1.7 - House Prices

Table 1.4

Area	Lower Quartile Median			Lower Quartile Median		Lower Quartile Median		Lower Quartile	Median
Haslington and Englesea	375	675		£19,564	£35,215	£140,000	£166,450	7.2	4.7
Congleton	275	575		£14,347	£29,998	£111,000	£145,000	7.7	4.8
Middlewich	275	525		£14,347	£27,389	£116,500	£141,975	8.1	5.2
Minshull	375	916		£19,564	£47,788	£192,000	£250,000	9.8	5.2
Alsager Rural	275	575		£14,347	£29,998	£125,000	£157,000	8.7	5.2
Sandbach	325	575		£16,955	£29,998	£124,975	£157,250	7.4	5.2
Holmes Chapel	425	725		£22,172	£37,823	£163,500	£198,750	7.4	5.3
Sandbach Rural	475	775		£24,781	£40,432	£152,500	£214,000	6.2	5.3
CHESHIRE EAST	325	575		£16,955	£29,998	£117,500	£160,000	6.9	5.3
Alsager	275	475		£14,347	£24,781	£115,000	£135,000	8.0	5.4
Macclesfield and Bollington	325	525		£16,955	£27,389	£115,000	£150,000	6.8	5.5
Wybunbury and Shavington	425	675		£22,172	£35,215	£142,500	£195,000	6.4	5.5
Crewe	225	375		£11,738	£19,564	£90,000	£113,000	7.7	5.8
Bunbury	375	825		£19,564	£43,040	£220,000	£250,000	11.2	5.8
Wilmslow and Alderley Edge	375	775		£19,564	£40,432	£160,000	£240,000	8.2	5.9
Poynton	375	725		£19,564	£37,823	£180,000	£231,000	9.2	6.1
Disley	375	575		£19,564	£29,998	£141,000	£188,000	7.2	6.3
Knutsford Rural	425	862		£22,172	£44,971	£200,000	£290,500	9.0	6.5
Macclesfield Rural	425	725		£22,172	£37,823	£183,000	£249,972	8.3	6.6
Nantwich	275	425		£14,347	£22,172	£117,000	£150,350	8.2	6.8
Knutsford Town	375	675		£19,564	£35,215	£173,690	£240,000	8.9	6.8
Holmes Chapel Rural	475	825		£24,781	£43,040	£242,500	£334,000	9.8	7.8
Prestbury	625	1100		£32,606	£57,387	£290,000	£450,000	8.9	7.8
Acton	325	625		£16,955	£32,606	£188,500	£262,500	11.1	8.1
Audlem	325	575		£16,955	£29,998	£200,000	£250,000	11.8	8.3
Wrenbury	275	575		£14,347	£29,998	£195,000	£250,000	13.6	8.3
Congleton Rural	425	675		£22,172	£35,215	£325,000	£390,000	14.7	11.1
Peckforton	375	675		£19,564	£35,215	£285,000	£412,500	14.6	11.7
	HHs		MEAN	MEDIAN		Diff		MEAN	Median
Congleton	39870		£39,900	£35,100		£4,800	164890	4.1	4.7
Crewe	35526		£33,600	£29,400		£4,200	123344	3.7	4.2
Knutsford	11216		£45,400	£40,300		£5,100	264350	5.8	6.6
Macclesfield	30254		£39,500	£34,700		£4,800	164478	4.2	4.7
Nantwich	15254		£39,900	£35,100		£4,700	204297	5.1	5.8
Poynton	9910		£48,300	£42,900		£5,300	267196	5.5	6.2
Wilmslow	16209		£45,700	£40,600		£5,200	240022	5.3	5.9
Cheshire East	158239		£39,900	£35,200		£4,800	180426	4.5	5.1
CROSS CHECK AGAINST B11 and B22 in SHMA									

Table 1.5

Median House Price Jan 08 to Jun 09 * Local Area Partnership Crosstabulation										
Count										
		Local Area Partnership								Total
		N/A	Congleton	Crewe	Knutsford	Macclesfield	Nantwich	Poynton	Wilmslow	
Median House Price Jan 08 to Jun 09	113000.00	0	0	29783	0	0	132	0	0	29915
	135000.00	0	5307	0	0	0	0	0	0	5307
	141975.00	46	5668	0	0	0	0	0	0	5714
	145000.00	0	11356	0	0	0	0	0	0	11356
	150000.00	0	0	0	0	26015	0	0	0	26015
	150350.00	55	0	0	0	0	6603	0	0	6658
	157000.00	0	3437	0	0	0	0	0	0	3437
	157250.00	0	8010	0	0	0	0	0	0	8010
	166450.00	0	0	3618	0	0	0	0	0	3618
	188000.00	27	0	0	0	13	0	1926	0	1966
	195000.00	0	0	2123	0	0	2755	0	0	4878
	198750.00	0	2474	0	0	0	0	0	0	2474
	214000.00	0	1240	0	0	0	0	0	0	1240
	231000.00	0	0	0	0	0	0	6047	0	6047
	240000.00	96	0	0	5755	0	0	0	16071	21922
	249972.00	36	12	0	0	4323	0	3	0	4374
	250000.00	15	34	0	0	0	3944	0	0	3993
	262500.00	0	0	0	0	0	830	0	0	830
	290500.00	29	0	0	5359	15	0	0	7	5410
	334000.00	0	1631	0	0	0	0	0	0	1631
	390000.00	3	792	0	0	0	0	0	0	795
	412500.00	0	0	0	0	0	794	0	0	794
	450000.00	17	0	0	0	17	0	2032	0	2066
Total		324	39961	35524	11114	30383	15058	10008	16078	158450

Table 1.6

Median House Price Jan 08 to Jun 09 * Local Area Partnership Crosstabulation										
Count										
		Local Area Partnership								Total
		N/A	Congleton	Crewe	Knutsford	Macclesfield	Nantwich	Poynton	Wilmslow	
Median House Price Jan 08 to Jun 09	£113000.00	0	0	335	0	0	1	0	0	336
	£135000.00	0	286	0	0	0	0	0	0	286
	£141975.00	3	342	0	0	0	0	0	0	345
	£145000.00	0	380	0	0	0	0	0	0	380
	£150000.00	0	0	0	0	385	0	0	0	385
	£150350.00	3	0	0	0	0	380	0	0	383
	£157000.00	0	244	0	0	0	0	0	0	244
	£157250.00	0	311	0	0	0	0	0	0	311
	£166450.00	0	0	372	0	0	0	0	0	372
	£188000.00	2	0	0	0	1	0	254	0	257
	£195000.00	0	0	106	0	0	135	0	0	241
	£198750.00	0	314	0	0	0	0	0	0	314
	£214000.00	0	155	0	0	0	0	0	0	155
	£231000.00	0	0	0	0	0	0	270	0	270
	£240000.00	3	0	0	358	0	0	0	384	745
	£249972.00	8	1	0	0	643	0	1	0	653
	£250000.00	2	4	0	0	0	582	0	0	588
	£262500.00	0	0	0	0	0	105	0	0	105
	£290500.00	5	0	0	697	4	0	0	2	708
	£334000.00	0	260	0	0	0	0	0	0	260
	£390000.00	1	109	0	0	0	0	0	0	110
	£412500.00	0	0	0	0	0	101	0	0	101
	£450000.00	1	0	0	0	1	0	245	0	247
Total		28	2406	813	1055	1034	1304	770	386	7796

Table 1.8 – Average household incomes by Ward

	Alderley Ward	Alsager Ward	Bollington and Disley Ward	Broken Cross Ward	Bucklow Ward	Cholmondeley Ward	Congleton Rural Ward	Congleton Town East Ward	Congleton Town West Ward	Crewe East Ward	Crewe North Ward	Crewe South Ward	Crewe West Ward
Income bands £s	Count of												
0-5	46	73	70	56	52	88	52	94	93	193	164	165	142
5-10	162	238	235	184	183	288	177	305	298	606	529	524	646
10-15	332	428	450	344	350	537	348	538	536	1004	874	880	768
15-20	488	546	619	462	480	716	495	672	688	1151	996	1030	873
20-25	591	581	708	516	553	791	582	698	733	1083	940	999	825
25-30	634	560	725	518	576	782	610	655	702	914	808	873	710
30-35	629	507	692	487	562	720	594	579	630	726	662	718	583
35-40	591	441	629	438	525	632	550	494	542	557	530	570	465
40-45	534	374	553	383	474	538	492	411	453	420	419	442	366
45-50	470	311	476	328	418	449	430	337	373	313	529	339	285
50-55	406	256	402	277	363	368	369	274	304	232	258	258	222
55-60	345	208	335	232	310	299	312	221	246	172	203	196	172
60-65	290	169	277	192	263	241	262	177	199	128	159	149	133
65-70	242	136	228	158	221	193	219	141	160	95	125	113	103
70-75	201	109	186	130	185	154	181	113	129	71	99	86	79
75-80	166	88	152	107	154	123	150	90	103	53	78	65	62
80-85	137	70	124	87	128	98	124	72	83	40	61	50	48
85-90	113	56	100	71	106	78	102	57	67	30	49	38	37
90-95	93	45	82	58	88	62	84	46	54	23	39	30	29
95-100	76	36	66	47	73	50	69	36	44	17	31	23	23
100+	357	154	295	218	358	207	328	151	204	61	126	84	86

	Doddington Ward (00EQ)	Knutsford Ward	Macclesfield Forest Ward	Macclesfield Town Ward	Macclesfield West Ward	Middlewich Ward	Nantwich Ward	Poynton Ward	Prestbury and Tytherington Ward	Rope Ward	Sandbach East and Rode	Sandbach Ward	Wilmslow North Ward	Wilmslow South Ward
Income bands £s														
0-5	66	75	107	120	90	72	130	52	26	65	107	66	86	58
5-10	223	245	351	389	290	236	42	179	93	218	340	218	276	197
10-15	436	437	618	684	516	427	718	347	193	415	613	409	496	375
15-20	614	555	766	850	652	549	859	482	289	567	785	550	637	514
20-25	717	591	796	883	683	590	855	559	360	642	832	612	683	588
25-30	749	571	748	825	643	572	772	580	402	648	789	609	661	605
30-35	729	523	663	722	568	523	661	562	417	609	698	564	603	584
35-40	677	462	565	605	481	459	548	518	411	545	392	500	531	538
40-45	608	399	469	493	398	393	446	462	389	471	487	429	457	481
45-50	533	340	383	394	232	331	360	402	359	399	393	360	387	421
50-55	461	296	309	312	259	275	288	344	323	332	314	298	325	363
55-60	393	239	248	244	207	226	229	290	287	273	248	244	271	309
60-65	332	198	197	191	164	185	183	242	251	222	195	199	225	261
65-70	279	164	157	148	130	150	145	201	217	180	153	161	186	219
70-75	234	135	124	115	103	122	116	166	187	145	120	130	153	182
75-80	195	111	98	89	81	98	92	137	160	117	94	104	126	152
80-85	162	91	78	70	64	79	74	112	136	94	74	84	104	126
85-90	134	74	62	54	51	64	59	92	115	76	58	68	85	104
90-95	111	61	49	42	40	52	47	75	97	61	45	54	70	86
95-100	92	50	39	33	32	42	38	61	82	49	36	44	58	71
100+	457	229	157	124	128	182	165	285	437	203	139	191	276	348

Table 1.9 – Affordability of 80% market rents in Cheshire East compared with other areas in the North West.



		Rent capacity (£ per week rounded)																						
Location	Household type	50	75	100	125	150	175	200	225	250	275	300	325	350	375	400	425	450	475	500	525	Assumed average rents		
		Cumulative percentage of households of each type able to afford rent assuming maximum of 25% of gross household income devoted to rent payments																				Social rent	Private rent	80% private rent
England	All	100.00	92.49	83.03	71.70	60.30	49.81	40.65	32.93	26.53	21.30	17.06	13.64	10.91	8.73	6.99	5.60	4.52	3.65	2.96	2.41	NA	NA	NA
	Newly forming	100.00	87.40	71.00	58.20	47.60	34.70	22.80	17.40	13.20	8.40	6.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	On waiting list	100.00	58.26	33.87	20.67	13.09	7.86	4.20	2.60	1.30	0.58	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	In PRS aged <55	100.20	91.90	78.80	64.80	53.60	41.80	31.30	23.40	17.50	13.50	11.30	9.10	8.00	8.00	5.80	5.10	4.60	3.50	3.30	1.60			
Cheshire West and Chester	All	100.00	93.37	84.87	74.46	63.68	53.53	44.43	36.57	29.93	24.40	19.84	16.10	13.06	10.59	8.60	6.99	5.68	4.63	3.80	3.12	71	138	111
	Newly forming	100.00	87.40	71.00	58.20	47.60	34.70	22.80	17.40	13.20	8.40	6.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	Waiting list	100.00	58.26	33.87	20.67	13.09	7.86	4.20	2.60	1.30	0.58	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.20	91.90	78.80	64.80	53.60	41.80	31.30	23.40	17.50	13.50	11.30	9.10	8.00	8.00	5.80	5.10	4.60	3.50	3.30	1.60			
Cheshire East	All	100.00	92.37	82.83	71.50	60.17	49.84	40.85	33.28	27.02	21.89	17.72	14.34	11.61	9.40	7.62	6.20	5.06	4.15	3.42	2.83	73	133	106
	Newly forming	100.00	84.86	76.20	65.56	52.91	38.89	25.54	19.46	14.46	8.73	6.60	5.14	3.60	3.60	2.73	2.03	2.03	1.49	1.14	1.04			
	Waiting list	100.00	48.68	35.49	24.27	15.00	9.19	4.99	3.14	1.56	0.68	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	90.10	83.23	71.69	58.41	45.68	33.99	25.17	18.19	13.46	10.87	8.60	6.73	6.73	5.60	4.39	3.49	2.76	2.41	1.83			
Warrington	All	100.00	88.81	75.32	60.61	47.33	36.39	27.79	21.17	16.12	12.29	9.40	7.20	5.51	4.24	3.29	2.57	2.02	1.61	1.30	1.06	72	128	103
	Newly forming	100.00	86.23	78.22	68.15	55.84	41.86	28.20	21.83	16.49	10.24	7.89	6.24	4.47	4.47	3.44	2.61	2.61	1.95	1.52	1.38			
	Waiting list	100.00	50.32	37.34	26.03	16.43	10.26	5.69	3.63	1.83	0.81	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	91.15	84.90	74.15	61.46	48.98	37.21	28.12	20.79	15.71	12.90	10.38	8.27	8.27	6.97	5.55	4.45	3.55	3.13	2.40			
Liverpool	All	100.00	90.88	79.65	66.75	54.36	43.49	34.43	27.08	21.23	16.62	13.00	10.17	7.96	6.24	4.90	3.86	3.06	2.44	1.96	1.60	69	130	104
	Newly forming	100.00	84.57	75.80	65.13	52.52	38.66	25.50	19.53	14.61	8.98	6.87	5.42	3.88	3.88	2.98	2.27	2.27	1.70	1.33	1.22			
	Waiting list	100.00	48.18	34.96	23.81	14.66	8.96	4.87	3.06	1.52	0.67	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	89.92	82.98	71.41	58.19	45.62	34.11	25.44	18.60	13.94	11.39	9.14	7.26	7.26	6.11	4.87	3.92	3.15	2.78	2.16			
Wirral	All	100.00	90.75	79.40	66.37	53.86	42.90	33.76	26.38	20.54	15.95	12.39	9.61	7.47	5.81	4.54	3.54	2.79	2.21	1.77	1.44	69	129	104
	Newly forming	100.00	79.23	67.91	55.26	41.77	28.38	16.90	12.13	8.51	4.67	3.34	2.48	1.61	1.61	1.17	0.84	0.84	0.60	0.46	0.42			
	Waiting list	100.00	43.04	29.11	18.32	10.33	5.84	2.92	1.74	0.82	0.34	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	85.67	76.21	61.72	46.80	33.97	23.36	16.06	10.74	7.38	5.68	4.26	3.15	3.15	2.56	1.95	1.51	1.17	1.02	0.78			

Table 1.9 continued

Sefton	All	100.00	88.62	74.92	60.06	46.77	35.87	27.36	20.82	15.85	12.08	9.21	7.06	5.42	4.14	3.21	2.50	1.97	1.56	1.25	1.03	69	117	93
	Newly forming	100.00	82.42	72.59	60.99	47.84	33.94	21.30	15.77	11.39	6.55	4.81	3.66	2.46	2.46	1.82	1.32	1.32	0.95	0.72	0.66			
	Waiting list	100.00	46.08	32.54	21.47	12.76	7.54	3.95	2.43	1.17	0.50	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	88.21	80.21	67.29	53.13	40.18	28.82	20.58	14.31	10.21	8.04	6.19	4.71	4.71	3.86	2.97	2.32	1.80	1.57	1.19			
Knowsley	All	100.00	90.11	78.01	64.46	51.77	40.94	32.07	25.02	19.47	15.14	11.77	9.17	7.14	5.57	4.37	3.43	2.71	2.16	1.74	1.43	69	126	101
	Newly forming	100.00	82.29	72.40	60.76	47.54	33.60	20.93	15.40	11.05	6.27	4.56	3.44	2.29	2.29	1.67	1.20	1.20	0.86	0.65	0.59			
	Waiting list	100.00	45.98	32.44	21.39	12.69	7.48	3.90	2.38	1.15	0.49	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	88.09	80.02	67.02	52.76	39.73	28.31	20.05	13.82	9.75	7.63	5.82	4.38	4.38	3.57	2.72	2.11	1.63	1.42	1.07			
St Helens	All	100.00	90.35	78.65	65.31	52.67	41.80	32.88	25.77	20.17	15.80	12.39	9.72	7.63	6.01	4.74	3.77	3.02	2.42	1.97	1.64	69	115	92
	Newly forming	100.00	78.92	67.46	54.71	41.24	27.94	16.59	11.90	8.35	4.57	3.25	2.41	1.57	1.57	1.14	0.81	0.81	0.58	0.44	0.40			
	Waiting list	100.00	42.75	28.79	18.01	10.11	5.69	2.84	1.70	0.80	0.33	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	85.43	75.82	61.18	46.25	33.48	22.98	15.77	10.53	7.23	5.54	4.16	3.07	3.07	2.49	1.89	1.46	1.13	0.98	0.75			
Halton	All	100.00	91.71	81.41	69.30	57.29	46.50	37.28	29.67	23.51	18.57	14.65	11.54	9.07	7.15	5.65	4.48	3.56	2.86	2.31	1.87	68	124	99
	Newly forming	100.00	81.15	70.72	58.73	45.48	31.84	19.67	14.44	10.36	5.89	4.29	3.25	2.17	2.17	1.60	1.15	1.15	0.83	0.64	0.58			
	Waiting list	100.00	44.76	31.04	20.11	11.72	6.83	3.52	2.15	1.03	0.44	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	87.22	78.65	65.16	50.74	37.90	26.85	18.98	13.08	9.24	7.24	5.55	4.19	4.19	3.43	2.63	2.04	1.59	1.39	1.06			
West Lancs	All	100.00	90.44	78.76	65.49	52.90	42.00	33.02	25.80	20.11	15.67	12.20	9.50	7.41	5.79	4.53	3.56	2.82	2.25	1.80	1.47	66	124	99
	Newly forming	100.00	81.66	71.49	59.61	46.31	32.53	20.19	14.88	10.73	6.18	4.56	3.48	2.36	2.36	1.75	1.29	1.29	0.95	0.73	0.67			
	Waiting list	100.00	45.29	31.68	20.65	12.08	7.06	3.64	2.22	1.07	0.45	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	87.62	79.30	65.98	51.58	38.66	27.50	19.55	13.58	9.69	7.66	5.92	4.52	4.52	3.71	2.89	2.27	1.78	1.56	1.22			
Wigan	All	99.90	94.80	76.80	63.10	53.50	43.80	35.60	28.70	23.30	18.90	15.30	12.00	10.40	10.20	6.80	6.00	5.40	4.10	3.70	2.10	61	123	99
	Newly forming	100.00	83.79	74.58	63.48	50.47	36.39	23.28	17.43	12.73	7.45	5.53	4.23	2.87	2.87	2.14	1.56	1.56	1.13	0.87	0.79			
	Waiting list	100.00	47.59	34.23	23.06	13.97	8.40	4.47	2.78	1.36	0.58	0.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			
	PRS <55	100.00	89.26	81.86	69.64	55.81	42.86	31.21	22.61	15.96	11.54	9.17	7.13	5.45	5.45	4.50	3.49	2.73	2.14	1.87	1.41			

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## CHESHIRE EAST COUNCIL

### Cabinet

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**Date of Meeting:** 20<sup>th</sup> August 2012  
**Report of:** Customer Service and Libraries Manager  
**Subject/Title:** Libraries Strategy  
**Portfolio Holder:** Councillor David Brown

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#### 1.0 Report Summary

- 1.1 This report introduces the new Libraries strategy that has been developed to define the priorities for Cheshire East Libraries to ensure the Council fulfils its statutory duty while also contributing to the priorities for action set out in the Cheshire East Sustainable Communities Strategy.
- 1.2 The strategy is not proposing radical changes to the library service. The key challenge is to continuously improve and modernise the way that we deliver the service to keep pace with evolving customer expectations, and to be flexible and responsive to take advantage of opportunities when they present themselves.
- 1.3 The strategic objectives for our libraries are:
- Improve literacy
  - Support informal learning
  - Enable digital inclusion
  - Provide information
  - Promote libraries as community anchors

#### 2.0 Decision Requested

- 2.1 That Cabinet endorse the new Libraries Strategy.

#### 3.0 Reasons for Recommendations

- 3.1 Cheshire East Council has a statutory duty 'to provide a comprehensive and efficient library service for all persons desiring to make use thereof' as set out in the Public Libraries and Museums Act 1964. The Libraries strategy defines the priorities for Cheshire East Libraries for the next three years to ensure that it fulfils its statutory duty while also contributing to the priorities for action set out in the Cheshire East Sustainable Community Strategy.
- 3.2 The strategy is not proposing radical changes to the library service. Its purpose is to provide the strategic priorities for the service against which developments and opportunities should be assessed. It does not aim to describe everything that we will do to achieve the objectives as this will be

reviewed and documented through annual service plans, but it will highlight some high profile developments or opportunities that we will proactively consider during the next 12 to 18 months, such as whether to introduce the ability to download e-books through libraries.

#### **4.0 Wards Affected**

4.1 All wards.

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

5.1 Not applicable.

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

6.1 The review of the mobile library service and the proposal to reduce the number of vehicles from three to one will reduce fuel consumption.

6.2 Libraries provide a wide and diverse range of health and wellbeing activities, from Reading Groups to Health promotion activities to books on prescription. Volunteering is also recognised as delivering important health benefits, and Libraries offer a number of volunteering opportunities such as Reading Challenge Champions, IT Buddies and Rhymetime Assistant. Cheshire East Libraries are involved in a project being jointly lead by the Reading Agency and the Society of Chief Librarians to better articulate what libraries can offer to support health and well being. The project has so far defined the Public Library Health offer as:

- A network of local community hubs
- Non-stigmatised, non-clinical community space
- Community outreach expertise, access to vulnerable people and local knowledge
- Expertise and support
- Supported on-line access
- Health related self -help reading programmes, services and resources, referral and signposting and social and recreational activity
- Volunteering and community engagement opportunities

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

7.1 The Libraries strategy does not have any direct financial implications. The financial implications of any subsequent actions will be considered on a case by case basis, and may contribute to savings already budgeted or contribute to new policy proposals in future business plans.

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

8.1 Under the Public Libraries and Museums Act 1964 a local authority has a duty to provide “ .. a comprehensive and efficient library service for all persons desiring to make use thereof..” who live, work or are being educated in it’s area.

8.2 There have been a number of challenges to Local Authorities looking to change their library provision over recent months. In those cases, authorities were proposing library closures whereas the Libraries Strategy members are being asked to approve, does not include this. However, in the relevant cases three points were considered by the Court:

- (1) The duty placed on the Local Authority by the Public Libraries and Museums Act 1964
- (2) The Public Sector Equality Duty (S149 of the Equality Act 2010)
- (3) The need to consult.

8.3 In respect of the duty under the Public Libraries and Museums Act, the Court held that the LA could not be found to have complied with this duty unless it had assessed the needs that it’s library service had to meet. However, the requirement to conduct an assessment of needs did not require a LA to carry out a discrete information-gathering exercise; it was entitled to rely on the expertise and experience of its professionals and on information gathered from a variety of reliable sources. In formulating the Libraries Strategy for Cheshire East Council an informal review of the Library Service has been undertaken by the Sustainable Communities Scrutiny Committee and a Peer review of the service has also been undertaken. This would seem to be sufficient to meet the expectations set out by the Court.

8.4 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty:

“A public authority must, in the exercise of its functions, have due regard to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it..”

An Equality Impact Assessment has not been provided with this report and case law states that such a document is not a necessity for conformity with the Public Sector Equality Duty. However, Local Authority decision makers must consciously address their minds to the public sector equality duty when making decisions and members need to ensure that they are satisfied that they have sufficient information available to them to comply with this duty.

8.5 Finally, there is no specific statutory duty to consult in respect of library provision. However, the Local Authority does have general duties to consult

and involve the community in changes to services. It is noted that questions in respect of library provision have been included in the Spring 2012 Influence Cheshire East Survey and the results have been taken into account in finalising the Libraries Strategy.

- 8.6 As the strategy is put into effect and specific proposals arise, officers may need to carry out detailed consultation in respect of those proposals and legal advice should be sought on this point at the relevant time.

## **9.0 Risk Management**

- 9.1 Reputational risk is the main risk associated with any proposals to change a library service. The risk to Cheshire East is low given the Libraries strategy is not proposing any radical changes to the service. Thorough consultation and equality impact assessments will mitigate the risk of reputational damage.

## **10.0 Background and Options**

- 10.1 An informal review of the Library service undertaken by the Sustainable Communities Scrutiny Committee in September 2011 described Libraries as an important resource to the public that are seen by many as an integral part of a city, town or village identity and aesthetic. The Committee's report stated that it is important that Cheshire East Council has a strategy in place to maintain and develop its library services for the residents of the borough.
- 10.2 A Peer review carried out by the Local Government Association in March 2012 concluded that we are providing a good library service, professionally managed and delivered by highly motivated staff. Amongst its recommendations, the review advised us to urgently focus on improving the positioning of the library service in the council, recognising that the services' corporate profile may be limited, although apparently valued politically, and potential as a major contributor to wider priority outcomes not properly understood or utilised. They advised that the production of a library strategy should seek to address this by examining the future of the library service in terms of this wider contribution as well as looking at the specific service needs to be met by libraries.
- 10.3 The Influence Cheshire East (ICE) Spring 2012 Survey included a section on Libraries to assess residents' current library usage and to explore what their future requirements of libraries may be. This research solidifies the position and role of libraries from a resident perspective. Residents use them, are satisfied with them, and believe they have a future. Threats to libraries from evolving technologies do exist, however they may not be as critical as thought. It will be important to monitor trends in library usage and in technological usage, and incorporate changes as and when necessary, although any change should only be integrated gradually, and within the ethos of libraries. Books, and the community role of libraries, are the main attributes that should be built on – the latter especially has much potential.

- 10.4 The strategy has considered the learning from the Future Libraries Programme that was published in August 2011. Cheshire East has already implemented or considered many of the opportunities outlined by the programme. For example, the programme recommended one of the possible models for delivering more efficient and effective library services could be to deliver the service network in different ways through co-location or new, non traditional outlets and service points. Cheshire East has already taken the opportunity to co-locate customer service points in Libraries. The Council is also currently considering the business case for developing Lifestyle Centres in some towns. The opportunity to include the library within the scope of a Lifestyle Centre is being considered in locations where it makes sense. Any proposal to include a library within a new lifestyle centre could clearly have an impact on the location of libraries within Cheshire East, but it will not affect the core purpose or strategic objectives of the service.

## **11.0 Access to Information**

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

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# Libraries Strategy 2012-2015



August 2012

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## **Executive Summary**

- This Libraries strategy defines the priorities for Cheshire East Libraries for the next three years to ensure that it fulfils its statutory duty while also contributing to the priorities for action set out in the Cheshire East Sustainable Community Strategy.
- The Council provides libraries in 18 communities in Cheshire East, receiving 1.8 million visitors and issuing over 3 million books each year. A recent LGA Peer review concluded that Cheshire East is providing a good library service, professionally managed and delivered by highly motivated staff.
- The strategy is not proposing radical changes to the library service. The key challenge is to continuously improve and modernise the way that we deliver the service to keep pace with evolving customer needs and aspirations, and to be flexible and responsive to take advantage of opportunities when they present themselves.
- The strategic objectives for our libraries are:
  - Improve literacy
  - Support informal learning
  - Enable digital inclusion
  - Provide information
  - Promote libraries as community anchors

## **1. Introduction**

Cheshire East Council has a statutory duty 'to provide a comprehensive and efficient library service for all persons desiring to make use thereof' as set out in the Public Libraries and Museums Act 1964. This Libraries strategy defines the priorities for Cheshire East Libraries for the next three years to ensure that it fulfils its statutory duty while also contributing to the priorities for action set out in the Cheshire East Sustainable Community Strategy.

The strategy is not proposing radical changes to the library service. Its purpose is to provide the strategic priorities for the service against which developments and opportunities should be assessed. It does not aim to describe everything that we will do to achieve the objectives as this will be reviewed and documented through annual service plans, but it will highlight some high profile developments or opportunities that we will proactively consider during the next 12 to 18 months, such as whether to introduce the ability to download e-books through libraries.

The key challenge for the Library service is to continuously improve and modernise the way that we deliver the service to keep pace with evolving customer needs and aspirations. We need to be flexible and responsive to take advantage of opportunities to make the service more efficient and effective and we need to be brave to challenge existing service delivery when opportunities present themselves.

## 2. Cheshire East Library Service

### *An Overview*

The Council provides public libraries in 18 communities across Cheshire East, plus the library at HMP Styal. Our libraries are a key resource within these communities providing books, music, information, learning, recreation and community spaces for residents, visitors, businesses and community groups. These are supplemented by a mobile library and books on wheels service for rural communities and housebound customers that are unable to access a static library. Specialist and support services such as the Education Library Service, Bibliographical Services and the Library Management System are shared with Cheshire West and Chester. Each year our libraries receive 1.8 million visitors and issue over 3 million books and multimedia items. 190,000 customers log on to the People's Network to access the internet. The total net revenue budget for the library service is £3.5m.



### Cheshire East Libraries



The Library service has continued to modernise and develop during the first three years of Cheshire East. The roll out of RFID self service technology to enable customers to borrow and return books themselves is nearing completion. This has released more staff time to engage with customers and run activities for the community, as well as provided the opportunity to refurbish and refresh the layout of many of the libraries. At the same time, the Libraries have taken on the face to face customer service function for the Council in their communities, enabling net annual savings of £240,000 as stand alone Customer Service Points have been relocated into the libraries.



The service is perceived as good value for money, as a low cost and high performing service. The most recent customer survey conducted in 2009 reported that 93% of respondents rated the library service overall as good or very good. According to the CIPFA Public Library Statistics 2009-10, out of 22 North West library authorities Cheshire East Libraries had the third lowest expenditure per resident and the highest number of issues per resident.

An informal review of the Library service undertaken by the Sustainable Communities Scrutiny Committee in September 2011 described Libraries as an important resource to the public that are seen by many as an integral part of a city, town or village identity and aesthetic. The Committee's report stated that it is important that Cheshire East Council has a strategy in place to maintain and develop its library services for the residents of the borough.

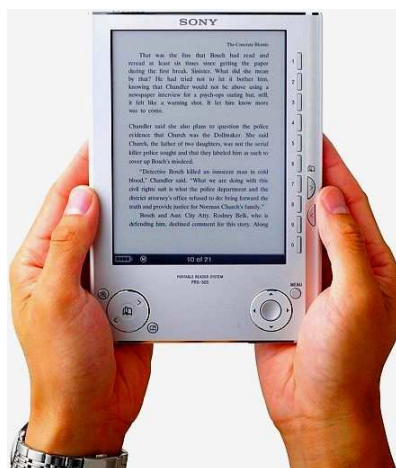
### ***National Context***

The past year has seen high profile local and national campaigns against library cuts and closures and a huge public concern about public library services. Areas such as Somerset and Gloucestershire saw library closures quashed by a legal challenge, but in Brent, the Brent SOS Libraries campaign group failed to prevent six libraries from closing. In March 2012, the Chartered Institute of Library and Information Professionals (CILIP) reported that it was "seriously concerned" that libraries are disproportionately bearing the brunt of cuts in government funding. The group carried out a survey of library authorities in England, Wales and Northern Ireland. It found that 2,000 library workers have lost their jobs and 3,000 opening hours a week cut since April 2011. The survey also revealed that reported actual library closures are small but that the overwhelming majority of responding authorities have reduced staff. The report also challenges the Secretary of State for Culture, Media and Sport,



to set out a “fresh vision for the 21st century public library service defining what comprehensive, efficient and accessible means.”

The Future Libraries Programme was established in August 2010 to help library services during the current challenging financial climate. It aimed to ensure libraries continued to play a central role for communities, with the vision of library and other local services working better together to deliver services genuinely designed around the needs of the public. The programme initially worked on 10 innovative, collaborative projects involving 30 councils. The learning from the programme, published in August 2011, suggested that there are four emerging change models. The Cheshire East response to the Future Libraries Programme is considered in section five of this strategy.



Considering and responding to the opportunity or threat that e-books presents to the traditional library service is a key priority. The e-books market is still evolving, and there are restrictions on what e-books are currently available through a library service in the UK. Amazon will not allow public library services in the UK to have access to the Kindle format, although they have recently allowed access in the United States. Book suppliers to Libraries estimate that only 25% of books that are available in printed form are currently available to libraries in e-book form with many publishers not yet signing up to the practice, and some withdrawing while the ground rules are established.

### **Peer Review**

A Peer review carried out by the Local Government Association in March 2012 concluded that we are providing a good library service, professionally managed and delivered by highly motivated staff. The review added that they were extremely impressed by the way the service has accommodated the customer service function and made it a success. They also stated that they would be very happy to recommend other councils to see what we have achieved and learn from us. Amongst its recommendations, the review advised us to urgently focus on improving the positioning of the library service in the council, recognising that the services' corporate profile may be limited, although apparently valued politically, and potential as a major contributor to wider priority outcomes not properly understood or utilised. They advised that the production of a library strategy should seek to address this by examining the future of the library service in terms of this wider contribution as well as looking at the specific service needs to be met by libraries. The review also concluded that the service has no fundamental issues around buildings and IT, although any opportunities to improve the environment in our buildings or operate in new shared spaces should be taken, and to also continue to keep a watching brief on the e-book situation.



### 3. Customer Needs and Expectations

The needs and priorities of the people of Cheshire East are articulated in the Cheshire East Sustainable Communities Strategy. Libraries have an important role to play in contributing to the priorities for action from this strategy, and in particular:

- Nurture strong communities
- Support our children and young people
- Prepare for an increasingly older population

In May and June 2012, Cheshire East Council carried out a survey of their citizens' panel – the **Influence Cheshire East (ICE) Spring 2012 Survey**. The survey included a section on Libraries to assess residents' current library usage and to explore what their future requirements of libraries may be. Overall 1,945 residents responded to the survey, giving a response rate of 64%. 1,927 respondents completed the section on Libraries.

#### ***Library usage***

69% of respondents had visited a Cheshire East library within the last year, with 35% having done so at least once a month. The types of respondents who were more likely to have visited a library at least once a month included the unemployed (63% had visited a Cheshire East library at least once a month).

82% of respondents were satisfied with library services.

Of those that had visited a library in the last year, the most common reasons for visiting were:

- To borrow/use books or multimedia, or buy second hand books (83% of visitors)
- Find local information (25%)
- Browse and relax (21%)
- Take children to an activity (19%)
- Use computer and internet facilities (16%)
- Read magazines or newspapers (16%)

#### ***The future for Cheshire East libraries***

A majority of respondents **agreed** that:

- There will be as much need for libraries in future as there is now (74% agreed)
- Libraries should continue to store and lend paper books as their main role (77% agreed)
- Libraries should be used more as community meeting places (71% agreed)
- Libraries should offer more activities and events (61% agreed)

A majority of respondents **disagreed** that:

- Cheshire East should have libraries only in the larger towns rather than in suburban areas/villages (81% disagreed)

- Cheshire East should have fewer, bigger libraries (72% disagreed)
- Library services should become mostly digital (69% disagreed)

It should be noted that whether respondents agreed there was a future for libraries did not depend upon the age of the respondent – younger respondents were just as likely to agree libraries have a future as older respondents.

Clearly, libraries play an important role within Cheshire East communities. The nature of this community role was perhaps expressed most eloquently within the open comments respondents made about the future of library services – it is clear reading through these open comments just how important and diverse a role libraries play within communities – something that does not necessarily come through from the purely statistical analysis.

584 of the 1,277 (46%) comments made about the future of libraries stressed that they must continue, and highlighted ‘community role’ reasons why they should. Ultimately:

*“A library is not just a drafty old building where people read books. It is a lifeline to some, a wonderful place to escape for others and all kinds of everything to everyone! Libraries are the last bastion of social interaction outside of the digital realm. The benefits to society that a library offers far outweigh the costs. What a marvellous and precious service!”*

## **Conclusions**

This research solidifies the position and role of libraries from a resident perspective. Residents use them, are satisfied with them, and believe they have a future.

Threats to libraries from evolving technologies do exist, however they may not be as critical as thought. It will be important to monitor trends in library usage and in technological usage, and incorporate changes as and when necessary, although any change should only be integrated gradually, and within the ethos of libraries.

Books, and the community role of libraries, are the main attributes that should be built on – the latter especially has much potential.



#### 4. Looking Ahead – Our Service Objectives

The core purpose of Libraries in Cheshire East is to provide a comprehensive and efficient Library service that fulfils the needs and expectations of the people who live and work in Cheshire East. The strategic objectives for the Library service that we will use to assess and prioritise service developments and opportunities to ensure we provide a comprehensive service that meets these needs and expectations are:

***Improve literacy*** - promote books and reading to people of all ages to improve children's and adults literacy and to improve life opportunities and health.

***Support informal learning*** - provide an informal learning environment that encourages people to participate in activities that contribute to their learning and skills development.

***Enable digital inclusion*** - support people to develop digital and information skills through free internet access and skilled support to help people that are digitally excluded to get online.

***Provide information*** - provide simple and straightforward access to the information that local people need.

***Promote libraries as community anchors*** - promote Libraries as local community hubs that provide welcoming, neutral and safe places, and organise and host activities and events for communities to come together to improve life opportunities, health and wellbeing.

We will measure the success of the service by monitoring usage of our Library services and regularly checking that library users are satisfied with the service. This will be supported by qualitative evidence of how our Libraries have improved outcomes for people who live or work within the borough. We will also regularly review the efficiency of our Library service by checking that individual libraries and services continue to provide value for money.

There are no plans to make radical changes to the existing library network. We will continue to operate the individual Libraries as long as we are confident that they are efficient and are meeting the needs of the local community. There are no plans to build new libraries but we will be happy to work with communities without libraries to explore alternative delivery models that could provide solutions in their communities. This may be through the provision of books in community centres, churches or other community hubs; or it may be through outreach activities with local community groups to support informal learning or address digital skills gaps.

## **5. The Future Libraries Programme – a Cheshire East Response**

The learning from the Future Libraries Programme, published in August 2011, outlined four possible models for delivering more efficient and effective library services. It was recognised that the delivery models are frequently hybrid – a combination of approaches to meet local political priorities, community needs and aspirations and the ambitions of other partners. Cheshire East have already implemented or considered many of the opportunities from these emerging delivery models.

### ***Delivering the service network in different ways through co-location or new, non traditional outlets and service points***

- The opportunity to co-locate customer service points in Libraries has already been taken, with the roll out due to be completed in all libraries by August 2012.
- The Council is currently considering the business case for developing Lifestyles Centres in some towns. The opportunity to include the library within the scope of a Lifestyle Centre is being considered in locations where it makes sense.
- There are currently no plans to co-locate libraries in other community locations, such as shops, sports centres, village halls or churches, but these opportunities may be considered where the cost and usage of existing libraries is not representing value for money or in communities without a library where there is strong demand.

### ***Using external providers such as Trusts and charitable companies, other councils or through the private sector***

- There are no plans to explore using an external provider to deliver the Library service in Cheshire East as it is not clear what added value such as arrangement could bring given the existing service is perceived as high performing and good value for money.
- The business case for Lifestyle Centres to bring together the delivery of a range of health and wellbeing services may result in the creation of new company structures or Trust arrangements which could have an impact on the delivery of the Library service in a location where it is part of a Lifestyle Centre.

### ***Sharing services with other councils to varying degrees of integration***

- The Libraries Shared Service, hosted by Cheshire West and Chester Council, provides back office and specialist support to Cheshire East libraries, including Bibliographical Services, Library Transport, Education Library Service, Inter-lending Unit, and a shared Library Management system. The Libraries Shared Service is subject to formal review during 2012-13 to ensure that a shared service continues to represent the most efficient and effective way to deliver these functions.

- There are no plans to extend the services that are delivered through the Libraries Shared Service. The Shared Service is planning to explore the opportunities to extend their services into other neighbouring Library authorities.

***Empowering communities to do things in their own way***

- Cheshire East Libraries has increased the use of volunteers to work alongside professional Library staff to assist in running events and activities.
- There are no plans to transfer Libraries to a Community organisation or social enterprise. Any opportunity presented by a community based group will be properly considered to assess whether it could be a more efficient and effective way of delivering the Library service in that community.

## 6. Delivering the Strategy – Priorities for Action

	Priority	By Whom	By When
<b>1.</b>	<b>Improve Literacy</b>		
1.1	Review the business case for providing e-books through Cheshire East Libraries	Customer Service & Libraries Manager	Oct 2012
1.2	Participate in national library initiatives to promote libraries, books and love of reading, including: <ul style="list-style-type: none"> <li>– Summer Reading Challenges</li> <li>– World Book days</li> <li>– National Bookstart week</li> <li>– Stories of the World adult reading challenge to support the Cultural Olympiad</li> <li>– The 6 Book Challenge for people with low literacy levels.</li> </ul>	Librarians / Specialists	Ongoing
1.3	Offer and promote class visits for local schools in all Libraries	Library Managers	Ongoing
1.4	Offer and promote reading groups for people with mental health issues	Library Managers	Ongoing
1.5	Lead on the National Libraries Health Offer for the North West libraries cluster	Projects Librarian	Mar 2013
<b>2.</b>	<b>Support Informal Learning</b>		
2.1	Participate in national library initiatives including Adults Learners week	Reference Specialist	Ongoing
2.2	Establish a pilot Work Club in Macclesfield Library	Library Manager	Mar 2013
<b>3.</b>	<b>Enable Digital Inclusion</b>		
3.1	Participate in the Race Online 2012 to help 2000 people in Cheshire East get online by the end of 2012	Reference Specialist	Dec 2012
3.2	Provide IT taster sessions in all Libraries, and participate in national initiatives such as Get Online week, I-Tea and Biscuits week	Reference Specialist / Library Managers	Ongoing

	Priority	By Whom	By When
3.3	Review options for extending Wi-Fi provision, currently piloted in Crewe Library, into all other Libraries	Area Librarians	Apr 2013
<b>4.</b>	<b>Provide Information</b>		
4.1	Complete the roll out of Customer Service Points in all Libraries	Area Librarians	Aug 2012
<b>5.</b>	<b>Promote Libraries as Community Anchors</b>		
5.1	Provide weekly Rhymetime sessions in all Libraries	Library Managers	Ongoing
5.2	Develop a communications plan to promote the availability of Library space for community events and activities	Area Librarians	Oct 2012
5.3	Review community meeting spaces at all Libraries and submit capital bid to refurbish or create spaces in all Libraries	Customer Service & Libraries Manager	Sep 2012
<b>6.</b>	<b>Improve Efficiency</b>		
6.1	Review the Mobile Library Service to ensure that it delivers consistently across the borough and represents value for money	Community Libraries Manager	Jul 2012
6.2	Review the lowest performing Libraries (cost per issue / cost per visit) to ensure that they continue to represent value for money and identify alternative and more efficient ways to deliver Library services to affected communities	Customer Service & Libraries Manager	Jan 2013
6.3	Review all income generating products and services to ensure they continue to represent value for money and are meeting the expectations of customers	Customer Service & Libraries Manager	Oct 2012

## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Strategic Director Places & Organisational Capacity
<b>Subject/Title:</b>	Affordable Housing Programme – Phase Two
<b>Portfolio Holder:</b>	Councillor J Macrae

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#### 1.0 Report Summary

- 1.1 In March 2011 Cabinet gave approval for the disposal of eleven Cheshire East owned sites for the provision of affordable housing. Of the eleven initial sites, four were taken through a pilot OJEU procurement exercise to establish whether this was the best route for disposal and whether financial objectives and social return could be secured from the programme.
- 1.2 Following on from the success of the initial first phase pilot the Affordable Housing Working Group are now in the process of progressing Phase 2, which was to include the remaining seven sites. Two sites are no longer available for the provision of affordable housing and this report seeks permission to replace these sites.

#### 2.0 Decision Requested

- 2.1 Approval is sought to dispose of the following sites for the provision of affordable housing, at
- Birtles Road, Macclesfield
  - Redsands, Nantwich - for the potential development of a mixed use site to include both affordable housing and accommodation for residents with support needs.
- 2.2 Approval is sought to seek Secretary of State consent for the disposal of the former Lodgefields School site in Crewe.
- 2.3 Approval is sought to allow for the provision of up to 50% market housing in conjunction with 50% affordable housing on the Lodgefields School site in Crewe to ensure that the site is financially viable and to encourage further interest following the poor response to the Westview site in Crewe within phase 1.



### **3.0 Reasons for Recommendations**

- 3.1 One of the key priorities identified within Cheshire East's Housing Strategy is the delivery of both market and affordable housing. There is a significant need for affordable housing across Cheshire East, demonstrated in the 2010 Strategic Housing Market Assessment, which identified an annual need for 1243 homes. The low level of housing developments and the reduction of public subsidy are impacting on our ability to bring forward affordable housing. This situation places additional onus on the Council to find new and innovative ways of meeting its affordable housing needs. The use of Council owned assets is a means of achieving this.

### **4.0 Wards Affected**

Broken Cross and Upton Ward  
Willaston and Rope

### **5.0 Local Ward Members**

- 5.1 Councillor L Brown  
Councillor M Hardy  
Councillor B Silvester

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

- 6.1 Housing is fundamental to the well being and prosperity of the Borough. There are direct connections between the quality of the housing stock and health, educational attainment, carbon reduction and care for older people. Providing sufficient housing is essential to maintain economic growth and vitality – and access to housing is a key issue in rural areas.

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

- 7.1 Capital receipts generated through the sale of Council owned assets are an increasingly important feature of the Capital Programme, and the Business Plan sets the challenging target of £10m in capital receipts for the current 2012/13 financial year and £5m in both 2013/14 and 2014/15. There will be a need to take into consideration the Council's wider financial requirements when determining the rationale around the disposal of assets.
- 7.2 Phase 1 of the affordable housing programme however demonstrated that not only were we able to secure the provision of approximately 50 units (subject to Planning Permission) of affordable housing but we were able to retain ownership of the land (125 year lease) and receive an annual revenue stream for the duration of the lease which increases in line with RPI annually.
- 7.3 The development of new affordable homes will bring in the New Homes Bonus, which is based on the National average Council Tax and is

payable for six years. In addition Affordable Homes attract a further £350 per affordable home and is also paid for six years for example

1 unit of market housing, average council tax A over a six year period = £5,754

1 unit of affordable housing, average council tax A over a six year period = £7,854

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

- 8.1 Due to the value of the assets to the housing providers the Council will need to procure its partners in compliance with EU procurement rules.
- 8.2 Preliminary title reviews in respect of the properties, in respect of which title details are awaited, have revealed the presence of some covenants, rights over or in respect of the properties and other matters which could adversely affect development.

Consideration will be given to the means, if any, of securing releases of or insurance covering the risk of any such matters which could impede development.

- 8.3 From 1<sup>st</sup> February 2012 the consent of the Secretary of State is required for the sale of all land which was used as a school in the last eight years. Disposal of the former Lodgefields School will therefore require the Secretary of State's consents under Schedule 1 of the Academies Act 2010 as inserted by Section 63 of the Education Act 2011.

## **9.0 Risk Management**

- 9.1 The OJEU procurement process is a resource intensive process which requires the input from a number of officers to ensure that it is carried out in accordance with the regulations and we do not face future challenge. To ensure an effective use of our resources we need to optimise the number of sites included in the second phase which will ensure that we receive sufficient interest from the market.
- 9.2 The former Lodgefields School site which has approval for disposal for affordable housing will now require Secretary of State consent for disposal. The process could preclude the site from inclusion in the second phase of the programme and there is a risk that the Secretary of State could transfer the land to an academy or free school if it feels there is a need in the area.

## **10.0 Background and Options**

- 10.1 In March 2011 a report was submitted to Cabinet which included the use of a number of council owned assets for the provision of affordable housing. These sites included:

**Phase 1**

Oakdene Court, Wilmslow  
Churchside Cottages, Macclesfield  
The Moss 4 and 6 Congleton Road, Macclesfield  
Westview, Crewe.

**Phase 2**

20 Priory Lane, Macclesfield  
Cypress House, Handforth  
Former Lodgefields School, Crewe  
Lodmore Lane, Burleydam  
Green Street, Macclesfield  
Hurdsfield Community Centre, Macclesfield  
Former Primary School, Church Lawton

- 10.2 The contract for Phase 1 was awarded in March 2012 and the successful contractors are now progressing the developments through the planning process. Phase 1 demonstrated that there is interest from the market to develop affordable housing. The approach taken to lease the land on a 125 year lease agreement also enabled us to retain the land asset and secure an annual ground rent.

Whilst we received significant interest for the sites in Macclesfield, there was less interest for the Westview site in Crewe. We asked those who had not submitted bids the reason why they had declined and this was attributed to the land value and the ability to provide 100% affordable housing on any site in the Crewe area as it was not considered financially viable. This has been taken into account for Phase 2 and the Working Group would therefore like the option to consider variable bids which include up to 50% market housing in order to subsidise the development of the affordable units in the Crewe area.

- 10.3 The Affordable Housing Project Working Group which consists of representatives from Assets, Housing, Procurement, Legal and Planning are now progressing Phase 2 of the project through the same OJEU procurement route. The intention was to bring the remaining seven sites to the market.
- 10.4 During the first stage of the process two sites were identified for alternative uses and were removed from the programme.
- Former Primary School, Church Lawton – approval was given to develop a special school for Autistic pupils
  - Hurdsfield Community Centre, Macclesfield – The Hurdsfield Residents are developing a proposal to form a Community Group to take over the running of the Community Centre.
- 10.5 We are now seeking to replace the two sites to ensure that there are sufficient sites to generate interest from the market. There are a number of sites which have been considered and the following have been established as potential sites following discussion with both Assets and Planning.

### **Birtles Rd, Macclesfield – Appendix 1**

Information on site detail for Birtles Rd including a plan of the site and housing need is outlined within Appendix 2

This site would be suitable for a mix of 2, 3 and 4 bed houses. In addition a small number of bungalows maybe appropriate Flats would not be considered suitable as there has already been considerable development of flats in this area.

There is currently a derelict building on the site which has locally listed status. In accordance with Council guidance on this subject retention of a locally listed building should be investigated and retained where practicable. Normally, loss of the building will only be permitted if Cheshire East Council is satisfied it is beyond reasonable repair. If this is the only option officers should ensure elements of the Locally Listed Building are incorporated into any new design proposal.

Where retention proves impracticable, the council will require that a photographic record of the building is made prior to demolition and submitted to the Council for record purposes.

### **Redsands Willaston- Appendix 2**

Cabinet made a previous decision on 19<sup>th</sup> January 2010 in relation to disposal of this land. At that time Cabinet resolved that approval be given to procure a development partner for the Redsands site to provide supported living facilities for adults with a learning disability. Adult Services no longer wish to pursue the development of this type of accommodation, but would be receptive to a mixed development of both affordable and supported accommodation.

#### **11.0 Financial considerations: When considering the disposal of the sites for the provision of affordable homes consideration should be taken on the following points:**

- The target for the 2012/13 financial year is £10,000,000 and the Council has already agreed sales of £6,000,000 i.e. for commercial sites (sold subject to contract) and a further £6,300,500, identified from the Councils Farms Estate.
- The Asset Management Service anticipates a combined capital receipt in excess of £620,000 if the sites (listed in 2.1) were disposed of on the open market. The combined holding cost associated with the properties is in the region of £51,100 per annum as outlined below.

Proposed Site	Open Market Value	Holding Costs	Social Benefits
Birtles Road, Macclesfield	£220,000	£1,100 per annum	Increased provision of affordable housing for first time buyers.
Redsands, Williston	£400,000	£50,000 per annum	The ability to bring forward a mixed development site to meet the needs of those seeking affordable housing and supported accommodation.

- If the sites were included within the Strategic Housing Project, the Council would receive an annual income (by way of a ground rent) over the 125 year period of the lease.
- The Council will be eligible for the new homes bonus payments for the first 6 years, once the units have been developed plus a bonus of £350 per affordable unit.

## 12.0 Access to Information

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

Name: Karen Carsberg  
 Designation: Strategic Housing Manager  
 Tel No: 01270 686654  
 Email: [Karen.carsberg@cheshireeast.gov.uk](mailto:Karen.carsberg@cheshireeast.gov.uk)

## **Appendix 1 Birtles Rd Macclesfield**

This site is located to the north west of Macclesfield town centre on Birtles Rd and is around 1.7 acres in size. It includes a derelict property at 70 Birtles Road which has locally listed status.

A planning application for reserved matters for 41 affordable houses providing a combination of semi-detached and small terraced blocks was submitted by Jones Homes in April 2008 (planning reference 08/0775). The application was accompanied by a further one for the use of land for footpaths, driveways, road, gardens and landscaping (planning reference 08/0773) on the land fronting Birtles Road known locally as the “lay-by”.

Planning application 08/0775 was refused by the former Macclesfield MBC Planning Committee on 16 June 2008 for the following reason:

The proposed development, by reason of density and number of dwellings, would be out of character with the surrounding area, including the adjacent area of countryside and allotment use lying within the North Cheshire Green Belt. As such, the development would be contrary to policies H2, H3, GC3 and DC1 of the Macclesfield Borough Local Plan 2004.

Planning application 08/0773 for the associated development of the lay-by area was approved with conditions by the former Macclesfield MBC.

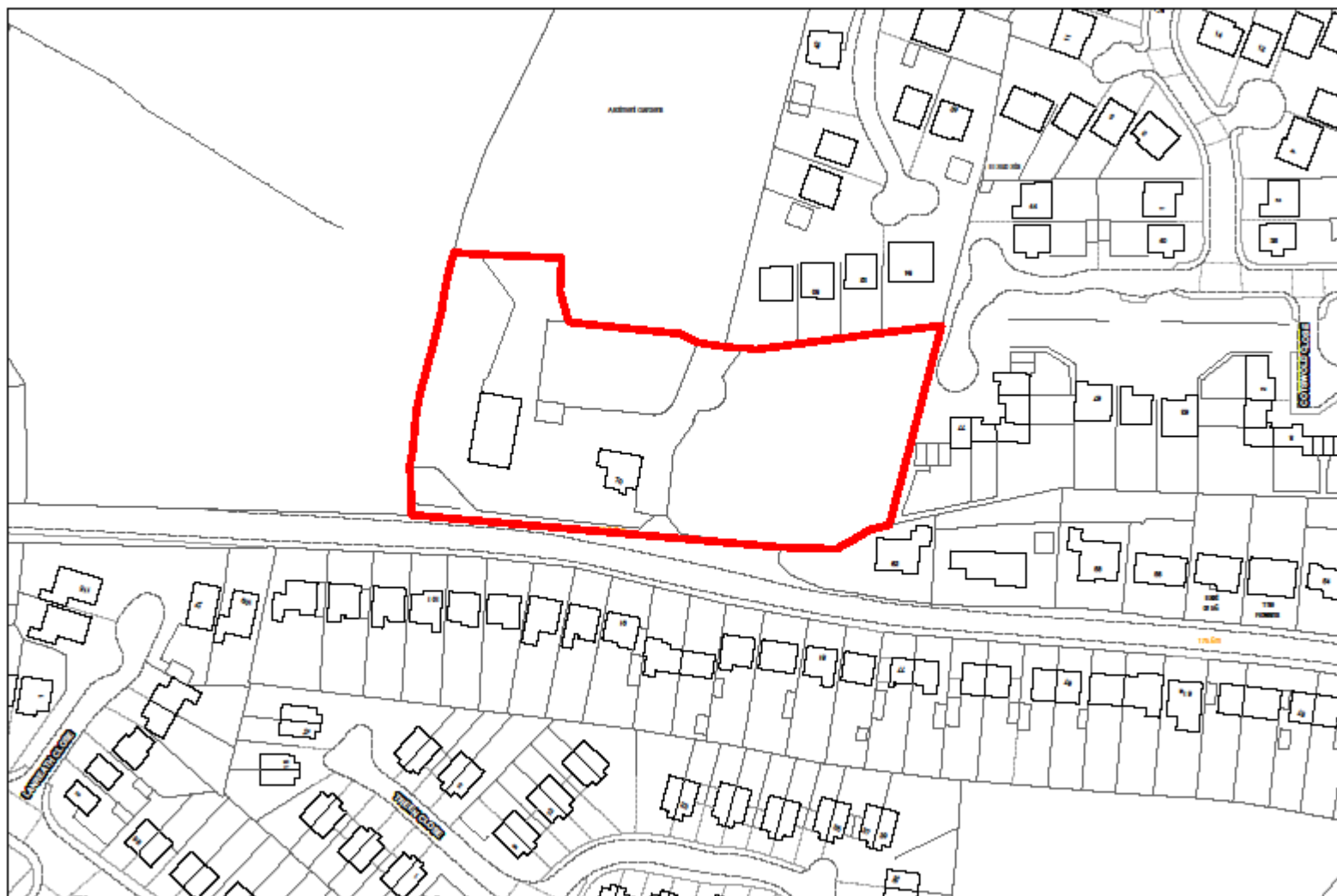
There were a number of other comments made by members of the Planning Committee which, although not reasons for refusal, could be addressed in any revised scheme. In particular, as the application was for reserved matters, it had to comply with the terms of the outline planning permission granted in 2005. As that has now elapsed, the issues raised such as open space, access to the allotments to the rear, pedestrian access and other matters, would need to be addressed as part of any new full planning application.

In August 2008 Members of the former Macclesfield MBC Cabinet were asked to (and subsequently resolved)

- (1) Note the current position regarding the provision of affordable housing on land at Birtles Road, Macclesfield
- (2) Reaffirm the sale of the site for affordable housing
- (3) Agree that the development of the site on appropriate terms for affordable housing be delegated to officers in consultation with the Portfolio Holders for Planning & Development and Asset

**Housing Need** - In Macclesfield and Bollington the SHMA identified a need for 318 units of affordable housing, consisting in the main of 175 two bedroom properties and 109 three bed properties.

There are currently 50 applicants registered on Cheshire Homechoice stating a preference for this area, consisting of 7 people asking for a 1 bed property, 9 asking for 2 bed houses and 19 asking for 3 bed houses. In addition there has only been one 4 bed affordable unit vacant in the last year which received 32 bids indicating four bedroom properties are of high demand in this area.



**BIRTLES ROAD SITE**

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Scale 1:1250







## **Appendix 2 Redsands Willaston**

This is a 0.76ha site located to the south west of Crewe between Crewe and Nantwich off the A534, Crewe Road.

The site is located in a sustainable location with excellent access to services and facilities in Nantwich

Pedestrian and vehicle access is gained via a single entry from Crewe Road. Parking exists on site immediately to the south of the developed area.

Within the site there are large areas of open space including a pond and football pitch to the west of the developed area.

Previous development on the site has been restricted to an area of approximately 0.76ha consisting of three buildings: one main two storey block, one single storey building to the rear and one single storey building to the east.

Cabinet has already made a previous decision on 19<sup>th</sup> January 2010 in relation to disposal of this land. At that time Cabinet resolved: -

That approval be given to the transfer of the site from the Children's Services to Adult Services at the valuation of £155,250.

That approval be given to procure a development partner for the Redsands site to provide supported living facilities for adults with a learning disability.

That Counsels opinion be sought to ensure that the disposal of land to the chosen Registered Social Care Landlord does not fall within the definition of a Public Works Contract and so be caught by Public Contracts Regulations 2006 as referred to in paragraph 9.2 of the report.

That approval be given to go out to consultation to look at future need for respite for people with very complex conditions, in line with personal budgets and use of alternative provision.

## **Housing Need**

It is proposed that this site be developed as a mixed community which could contain one or more of the following:

**Affordable housing** - The SHMA identified a need for 256 new affordable units per year in Crewe, made up of need for 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older person units.

There are currently 41 applicants who have selected the Willaston area of Crewe as their first choice, these applicants require - 14 x 1 beds, 13 x 2

beds, 10 x 3 beds and 1 x 4 beds – 3 applicants haven't specified how many bedrooms they need

- Extra Care Housing (mainly for older people)
- Supported living for younger adults with disabilities
- Accommodation for children leaving care and progressing into adulthood who have lifestyle support needs

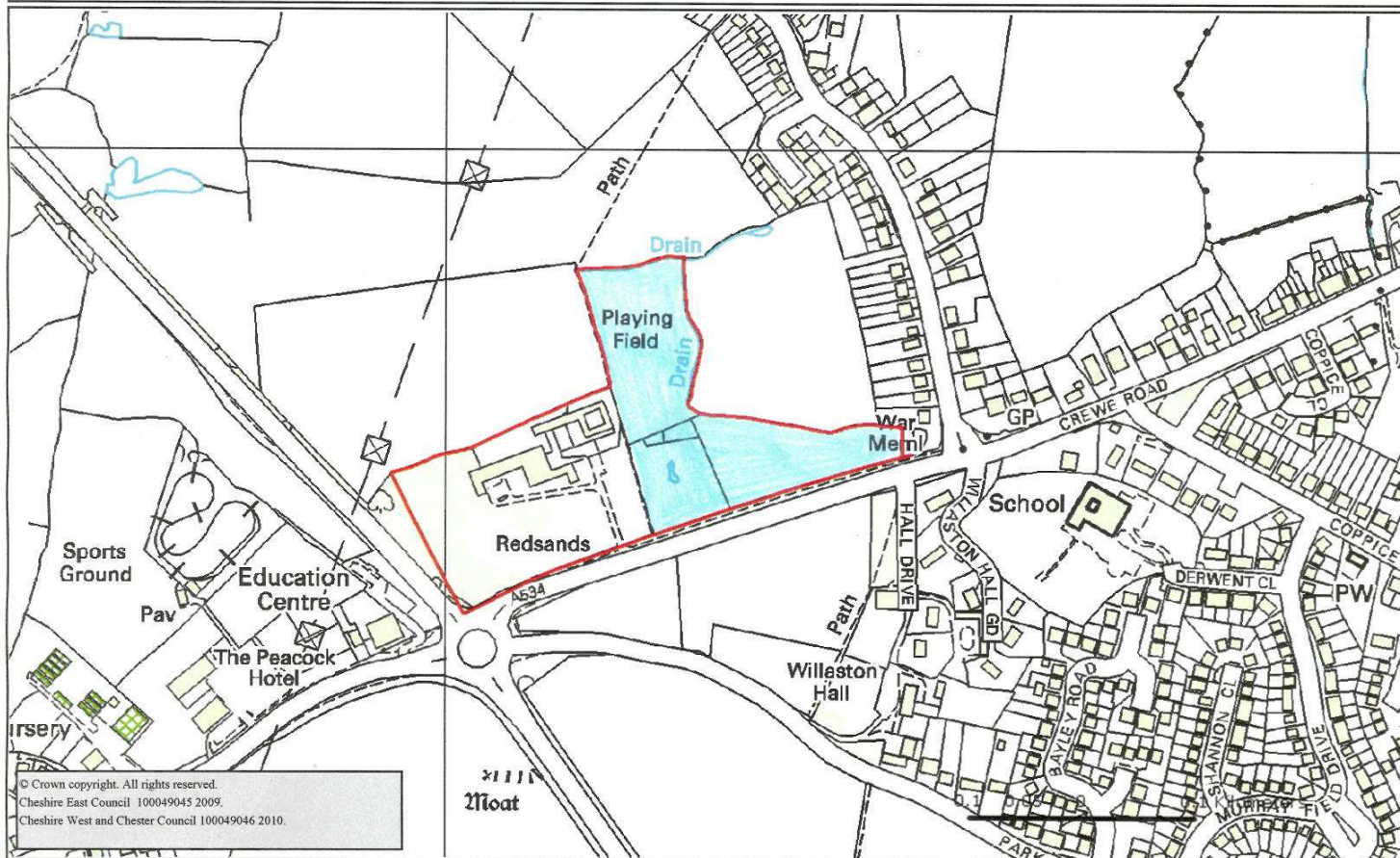
A project to identify and quantify current and future demand for the social care elements of the above is in the process of being commissioned. This work will allow more detailed specification of each of the above.

At this point therefore it is not possible to state the precise mix however the data below gives an indication of *current* provision and usage which should serve as a guide (it should not however be regarded as a forecast).

EXTRA CARE HOUSING BY LEVEL OF NEED	
Band 3 (highest)	97
Band 2	130
Band 1	160
Wellbeing (lowest)	156
Total	543

EXTRA CARE HOUSING BY DISABILITY TYPE	
Carer	36
Dual Sensory Loss	2
Frail/Temporary Illness	305
Hearing Impairment	6
Learning Disability	11
Mental Health – Dementia	17
MH other than dementia	24
Other Physical/sensory Loss	106
Other Vulnerable	26
Other Vulnerable- Welfare Benefits	2
Visual Impairment	8

OTHER DATA	
Young people requiring specialist level-access accommodation due the high-end Learning Disability/Autism presenting in last 2 years	8
Young people due to leave care during the next 3 years	
Young people with disabilities due to transition into adulthood during the next 3 years	
Adults with Learning Disabilities in Supported Living arrangements	





## CHESHIRE EAST COUNCIL

### Cabinet

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**Date of Meeting:** 20th August 2012  
**Report of:** Director of Finance and Business Services  
**Subject/Title:** Review of Discretionary Rate Relief Policy  
**Portfolio Holder:** Councillor Peter Raynes

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#### 1. Report Summary

- 1.1 On 2 December 2008, Cabinet approved a Discretionary Rate Relief Policy for Cheshire East Council. Rate Relief reduces the Council's contribution to the central pool for business rates, but in certain cases relief is also part funded by the Local Authority.

In 2011/2012 Cheshire East granted overall relief of £5,390,206 to registered charities, non-profit making organisations and businesses within rural settlement areas. £166,269 of this was funded directly by Cheshire East Council.

Changes in Non-Domestic Rate legislation have lead to some anomalies and some parts of the policy need updating.

In order to prevent loss of revenue, and ineligible or fraudulent relief being awarded, a review of relief awarded is included in the 2012/2013 revenues work programme. It is the intention that entitlement to relief will then be reviewed every 3 years.

#### 2. Decision Requested

- Amend the wording of the policy so that ratepayers, applying for discretionary relief only, must also apply for Small Business Rate Relief if eligible.
- Award 50% Rural Settlement top-up Relief from 1<sup>st</sup> April 2011 to ratepayers who qualify for all categories of mandatory rural settlement relief.
- Remove all awards of legacy protection and grant relief to ratepayers solely in accordance with the Cheshire East Policy.
- Update the Rural Settlement List following recent boundary changes in Cheshire East. Styal & Kerridge to be added to the list. The settlement of Leighton to be removed from the list following an increase in population.

- From 1<sup>st</sup> April 2012 Cabinet to consider applications for discretionary rate relief under S 47 (5A) LGFA 1988 to determine whether applications are in the Council Tax payers' interests.
- In making their decision, Cabinet members should consider the responses received from affected organisations in conjunction with the EIA. The responses are attached (appendix – *consultation*) as is a list with respondees highlighted.

### **3. Reasons for Recommendations**

- 3.1. To ensure that discretionary rate relief is correctly awarded in accordance with Section 47 of the Local Government Finance Act 1988.
- 3.2. To ensure that the discretionary relief policy is up to date, robust and fair to all ratepayers in the Cheshire East area.
- 3.3. To prevent loss of revenue and ineligible or fraudulent relief being awarded.

### **4. Wards Affected**

- 4.1. All

### **5.0 Local Ward Members**

- 5.1 All – please see background

### **6.0 Policy Implications**

- 6.1 This report relates to amendments to the Cheshire East policy dated 2<sup>nd</sup> December 2008.

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

- Requiring ratepayers to apply for Small Business Rate Relief before discretionary relief will have no financial implications.
- The decisions related to Rural Settlement top-up Relief will increase the relief given to ratepayers for 2012/2013 by £9,429 at a cost to Cheshire East Council of £2,357.
- Removing awards of legacy protection will reduce relief to ratepayers from £56,953 to £14,359 (based on 2012/2013 liabilities). The reduction will reduce costs to Cheshire East Council of c.£3,590.
- Updating the Rural Settlement List following recent boundary changes in the Cheshire East area will have no financial implications at this time.

- Applications under 47(5a) must be fully funded by the Local Authority, and must be awarded in the interests of the Council Tax payer. As such, decisions are to be delegated to Cabinet. The financial impact will be addressed on a case-by-case basis.

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

- 8.1 A consultation has been carried out in respect of these proposals. Consultation with the ratepayers who will be affected if the legacy protection is removed has taken place, and the responses received are attached to this report. Case law states that consultation must comply with four elements:

(1) It must be at a time when proposals are still at a formative stage

(2) It must give sufficient reasons for any proposal to permit of intelligent consideration and response

(3) Adequate time must be given for any consideration and response

(4) The result of the consultation must be conscientiously taken into account in finalising any proposals

Members should satisfy themselves that the consultation has been appropriately conducted. Members need to take these results into account when making final decisions on the proposals in this report.

- 8.2 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty as follows:

“A public authority must, in the exercise of its functions, have due regard to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it..”

Before making any decision on whether to remove legacy protection **due regard** must be paid to the Equality Act 2010. Members need to understand the effect that the removal of the protection will have on people with different protected characteristics. Essentially care must be taken to ensure that there is no disproportionate direct or indirect discrimination in relation to any person with a protected characteristic which is defined by the Act as a disability, those who have undertaken gender re-assignment, married and civil partners, pregnancy and maternity, race religion or belief, sex and sexual orientation.



An Equality Impact Assessment which considers these issues has been undertaken and is attached to this report (appendix – 3\_ *EIA*).

## **9.0 Risk Management**

- 9.1 Risk has been assessed through an Equality Impact Assessment as attached(appendix – 3\_ *EIA*).

## **10.0 Background and Options**

### **10.1 Small Business Rate Relief**

Under the current policy ratepayers applying for discretionary rate relief only are required to apply for Small Business Rate Relief where the rateable value of their property is below £10,000. The rateable value threshold for SBRR has now increased to £12,000.

The decision required will alter the wording of the policy so that ratepayers applying for discretionary relief only must also apply for Small Business Rate Relief if the rateable value of their property falls below the Small Business Rate Relief threshold.

This change will not alter the relief that any ratepayer is currently receiving but will make the policy more robust for future years

### **10.2 Legacy Protection**

The current policy gives protection to ratepayers who would receive less relief under the Cheshire East Policy than they did from the legacy billing authorities. No time limit was set on this protection. We have written to all ratepayers who would be affected if legacy protection was removed. Cheshire East currently awards discretionary Rate Relief to around 400 organisations. This decision would affect a total of 45 organisations within Cheshire East (appendix – 1\_ *affected org*). Responses have been received from 9 of those organisations (appendix – 2\_ *consultation*).

In the interest of fairness, a decision is required to remove legacy protection and only grant relief to ratepayers in accordance with the Cheshire East Policy. Cheshire East must provide 12 months notice of this change to ratepayers.

### **10.3 Rural Settlement Relief**

Authorities have to draw up a rural settlement list based on rural communities of 3,000 population or less in a designated rural area (outlined by statute).

Recent boundary changes in Cheshire East means that Styal can now be added to our rural settlement list. The settlement of Kerridge needs adding to the list and due to an increase in population Leighton needs removing from the list.

The proposed Rural Settlement List needs to be available for public inspection for three months before the start of the financial year to which it relates.

#### **10.4 Rural Settlement Relief**

Mandatory rate relief is awarded to properties within a designated rural settlement area.

- A sole public house with a rateable value below £12,500 receives 50% mandatory relief and Cheshire East Council currently awards 25% top-up relief.
- A food shop with a rateable value below £8,500 receives 50% mandatory relief; Cheshire East does not award any top-up relief.
- A sole petrol filling station located on an A road, with a rateable value below £12,500 receives 50% mandatory; Cheshire East does not award any top-up relief.
- A sole petrol filling station not located on an A road, with a rateable value below £12,500 receives 50% mandatory relief and Cheshire East Council currently awards 25% top-up relief.

Small Business Rate Relief is available to ratepayers whose rateable value is below £12,000. From 1<sup>st</sup> October 2010 ratepayers with an RV below £6,000 receive 100% relief. However those in receipt of Mandatory Rate Relief are excluded from applying for Small Business Rate Relief.

The decisions required is to award 50% top-up relief from 1<sup>st</sup> April 2011 to ratepayers who qualify for all categories of mandatory rural settlement relief, at a cost to Cheshire East Council of £2,358

#### **10.5 Discretionary Rate Relief**

From 1<sup>st</sup> April 2012 billing authorities have the discretion to award rate relief where it is in the Council Tax payer's interests to do so under Section 47 (5A) LGFA 1988. It is proposed that any applications under this section are considered by Cabinet. If cabinet wishes it can set criteria for focusing any reductions, for example priority cases could include: Start-up businesses; businesses expanding and increasing levels of local employment; changes that will impact positively on the Council's Local Plan. Any relief awarded will be fully funded by Cheshire East Council.

## 10.6 Consultation

Amendments to the award of discretionary relief need to be advised to the relevant organisation 12 months prior to any award being amended. The review of this policy would take effect from 1<sup>st</sup> April 2013. Notification and consultation with organisations and members followed the timeline below:

**March 2012** - Initial notification to organisations that relief would be reviewed for 2013-14.

**23/24 May 2012** – Notification to Cabinet members (including original policy, letter explaining amendments, list of names and addresses of affected organisations and the possible financial impact for each)

**25 May 2012** – Notification to affected ward members (including original policy, letter explaining amendments, list of names and addresses of affected organisations and the possible financial impact for each)

**29 May 2012** – Letters issued to affected organisations indicating possible financial impact and inviting comments

**1 June** – Responses received from affected organisations

**Cabinet meeting** – Responses considered

## 11.0 Access to Information

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

Name: Lisa Quinn

Designation: Director of Finance and Business Services

Tel No: x86628 01270 686628

Email: [lisa.quinn@cheshireeast.gov.uk](mailto:lisa.quinn@cheshireeast.gov.uk)

Background papers: Charity Commission constitution reports

**DISCRETIONARY RATE RELIEF AFFECTED RATEPAYERS**

RATEPAYER	ADDRESS	CURRENT AWARD	NEW AWARD	FROM £	TO £	WARD	COUNCILLOR(S)	RESPONSE RECEIVED
Audlem Cricket Club	Gorse Croft Farm, Bunsley Bank, Audlem,	75%	50%	291.09	194.06	Audlem	Rachel Bailey	
Aston Cricket Club	Aston Cricket Club, Sheppenhall Lane, Aston,	75%	50%	367.03	244.69	Audlem	Rachel Bailey	
Swettenham Club	Swettenham Lane, Swettenham Club, Swettenham,	30%	0%	580.72	0.00	Brereton Rural	John Wray	
Bunbury Cricket Club	Bunbury Cricket Club, School Lane, Bunbury,	75%	50%	244.69	163.13	Bunbury	Michael Jones	
Nantwich Town Football Club	The Weaver Stadium, Water Lode, Nantwich,	75%	25%	10992.00	3664.00	Bunbury	Michael Jones	Yes
The National Trust	Nether Alderley Mill, Congleton Road, Nether Alderley,	20%	10%	91.60	45.80	Chelford	George Walton	
Congleton Cricket Hockey And Bowling Club	Booth Street, Congleton,	65%	50%	1145.25	880.96	Congleton West	David Topping	
Crewe Bowling Club	Crewe Bowling Club, Stanhope Avenue, Crewe,	75%	50%	877.50	585.00	Crewe East	Margaret Martin; David Newton; Chris Thorley	Yes
Willowview Education Trust	Land Adj, 121, Warringham Road, Crewe,	10%	0%	709.90	0.00	Crewe East	Margaret Martin; David Newton; Chris Thorley	
The Sunshine Project International	Unit F6, Scope House, Weston Road, Crewe,	10%	0%	51.53	0.00	Crewe East	Margaret Martin; David Newton; Chris Thorley	
Lady Verdin Trust	196, Nantwich Road, Crewe,	10%	0%	679.54	0.00	Crewe South	Dorothy Flude; Steven Hogben	Yes
Survive	156, Nantwich Road, Crewe,	10%	0%	404.59	0.00	Crewe South	Dorothy Flude; Steven Hogben	Yes
Climb	176, Nantwich Road, Crewe,	10%	0%	795.48	0.00	Crewe South	Dorothy Flude; Steven Hogben	Yes
Crewe & Nantwich Gymnastics Community Activities Association	The Gymnastics Centre, Camm Street, Crewe,	20%	0%	5083.80	0.00	Crewe South	Dorothy Flude; Steven Hogben	
Nspcc Fao Maxine O'Sullivan	36-40, Smith Grove, Crewe,	10%	0%	174.04	0.00	Crewe St Barnabas	Roy Cartlidge	
Central Bible Hammond Trust Ltd T/A Scripture Truth Publicat	31-33, Glover Street, Crewe,	10%	0%	274.80	0.00	Crewe St Barnabas	Roy Cartlidge	
The Victoria Club	Victoria Social Club, Victoria Avenue, Holmes Chapel,	30%	25%	1788.75	1490.62	Dane Valley	Les Gilbert; Andrew Kolker	
Trustees Of The Owls Nest	Owls Nest, Buxton Old Road, Disley, Stockport,	20%	0%	116.79	0.00	Disley	Harold Davenport	
British Red Cross Society	British Red Cross, Waterloo Road, Haslington,	20%	0%	705.32	0.00	Haslington	John Hammond; David Marren	
Knutsford Royal May Day Festival Committee	Royal May Day Committee Mbc Depot, Mobberley Road, Knutsford,	20%	10%	476.32	238.16	Knutsford	Stewart Gardiner; Olivia Hunter; Peter Raynes	
Manchester Methodist Housing Group	106, Longridge, Knutsford,	20%	0%	842.72	0.00	Knutsford	Stewart Gardiner; Olivia Hunter; Peter Raynes	
Macclesfield Museums Trust	The Heritage Centre, Roe Street, Macclesfield,	20%	10%	3824.30	1912.15	Macclesfield Central	Ken Edwards; Janet Jackson	
Macclesfield Ss Heritage Centre Trust	Silk Museum & Park Lane Galleries, Park Lane, Macclesfield,	20%	10%	4076.20	2038.10	Macclesfield Central	Ken Edwards; Janet Jackson	
Macclesfield Museums Trust	Silk Museum, Park Lane, Macclesfield,	20%	10%	938.90	469.45	Macclesfield Central	Ken Edwards; Janet Jackson	
St Johns Ambulance Brigade	23, High Street, Macclesfield,	20%	0%	297.70	0.00	Macclesfield Central	Ken Edwards; Janet Jackson	
Windyway Trust	73, Chestergate, Macclesfield,	20%	0%	1030.50	0.00	Macclesfield Central	Ken Edwards; Janet Jackson	Yes
Royal British Legion (Middlewich) Club Ltd	100 Lewin Street, Middlewich,	10%	0%	961.80	0.00	Middlewich	Paul Edwards; Simon McGrory; Michael Parsons	
Cheshire & Wirral Ornithological Society	R/O Rostherne Mere, Rostherne Lane, Rostherne,	20%	0%	27.48	0.00	Mobberley	Jamie Macrae	
The David Lewis Centre Fao Mr J Bissett	The David Lewis Training Centre, Mill Lane, Alderley Edge,	20%	0%	2587.70	0.00	Mobberley	Jamie Macrae	
British Red Cross	Part 2nd Floor The Gables, 55 Beam Street, Nantwich,	20%	0%	298.26	0.00	Nantwich North and East	Penny Butterill; Arthur Moran	
Nantwich Park Road Bowling Club	Park Road Bowling Club, Park Road, Nantwich,	75%	50%	430.31	286.88	Nantwich South and Stapeley	Peter Groves; Andrew Martin	
Rspca	Stapeley Grange Wildlife Hospital & Cattery, London Road, Stapeley,	10%	0%	2450.30	0.00	Nantwich South and Stapeley	Peter Groves; Andrew Martin	Yes
Poynton Royal British Legion Ltd	Poynton British Legion Club, Georges Road West, Poynton,	5%	0%	365.63	0.00	Poynton East and Pott Shrigley	Howard Murray; Jos Saunders	
Anson Engine Museum	Anson Engine Museum, Anson Road, Poynton,	20%	10%	617.34	308.67	Poynton East and Pott Shrigley	Howard Murray; Jos Saunders	
Lyme Green Settlement Charity	The Office, Lyme Green Park, London Road, Sutton,	20%	0%	806.08	0.00	Sutton	Hilda Gaddum	Yes
Crewe Vagrants Club Fao Mr G Hurst	Newcastle Road Willaston	75%	25%	9846.87	3282.29	Willaston and Rope	Brian Silvester	Yes
Africa Christian Teaching Service	15, Crestwood Close, Wistaston,	10%	0%	57.11	0.00	Willaston and Rope	Brian Silvester	
Wilmslow Albion Football Club	Wilmslow F C Adj Oakwood Farm, Styal Road, Wilmslow,	100%	50%	253.12	126.56	Wilmslow Lacey Green	Don Stockton	
The National Trust	Quarry Bank Mill (National Trust), Quarry Bank Road, Styal Wilmslow,	20%	0%	114.50	0.00	Wilmslow Lacey Green	Don Stockton	
Lindow Lawn Tennis Club	Tennis Club, Cumber Lane, Wilmslow,	100%	50%	911.25	455.62	Wilmslow West and Chorley	Gary Barton; Wesley Fitzgerald	
Wilmslow Royal British Legion Club Ltd	British Legion Club, Grove Avenue, Wilmslow,	5%	0%	354.38	0.00	Wilmslow West and Chorley	Gary Barton; Wesley Fitzgerald	
Dyslexia Institute Ltd	7, Hawthorn Lane, Wilmslow,	20%	0%	1992.30	0.00	Wilmslow West and Chorley	Gary Barton; Wesley Fitzgerald	
Oblate Retreat & Spirituality Centre	89, Broughton Lane, Wistaston,	10%	0%	1190.80	0.00	Wistaston	Margaret Simon; Jacqueline Weatherill	
Cholmondeley Cricket Club	Cholmondeley Cricket Club, Cholmondeley,	75%	50%	177.19	118.12	Wrenbury	Stan Davies	
Cholmondeley Sports & Community Association	Adj. Cholmondeley Arms, Wrenbury Road, Cholmondeley,	20%	5%	114.50	28.63	Wrenbury	Stan Davies	
The Museum Trust	Congleton Museum, Market Square, Congleton, Cheshire, CW12 1ET	20%	10%	1488.5	744.25	Congleton West	David Topping	

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Lyme Green Settlement Charity  
The Office  
Lyme Green Park  
London Road  
Sutton  
Macclesfield  
SK11 0LD

Revenues Service  
PO Box 39, Town Hall  
Macclesfield  
SK10 1HR

Tel: 0300 123 5013  
Email: [brates@cheshireeast.gov.uk](mailto:brates@cheshireeast.gov.uk)  
[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

**Date:** 28<sup>th</sup> May 2012

**OUR REF:** AW/9019815

**YOUR REF:**

Dear Sir

**NON DOMESTIC RATES THE OFFICE LYME GREEN PARK**

Further to my recent letter informing you that Cheshire East Council is reviewing its discretionary rate relief policy I now write to let you know that the changes being considered will mean that from the 2013-14 financial year the amount of relief you will receive could be reduced.

On setting its policy in December 2008 Cheshire East afforded protection to ratepayers to ensure that they would not receive less relief under the Cheshire East Council policy than they did from the billing authority to whom they paid rates prior to the formation of Cheshire East. This has inevitably led to anomalies where, for example, an organisation with more than one business unit may receive different levels of relief depending on the location of the units within Cheshire East.

In the interests of fairness to all of the ratepayers within Cheshire East one of the changes being considered is the removal of this protection. Your application would then be considered in relation to the new policy, as is the case with any new applications for relief.

You currently receive 20% discretionary rate relief, however under the Cheshire East policy you would not be entitled to discretionary rate relief. At 2012/2013 levels this would mean a reduction of discretionary rate relief from £806.08 to £0.00.

The Cheshire East Cabinet is due to consider the revised policy in the near future. If you have any comments that you would like Cabinet to consider please write to the above address by 11<sup>th</sup> June 2012. Please do not hesitate to contact Andrea Walker on 01270 686073 if you wish to discuss this matter.

Yours faithfully

**Non Domestic Rates Section**





Order of St. John of Jerusalem - British Red Cross Society



# Lyme Green Settlement

Registered Charity No: 209267

The Office, Lyme Green Park, Macclesfield, Cheshire SK11 0LD

Telephone and Fax: 01260 252666

e-mail: [admin@lymegreensettlement.org.uk](mailto:admin@lymegreensettlement.org.uk)[www.lymegreensettlement.org.uk](http://www.lymegreensettlement.org.uk)

Our Ref RW/JB

Your Ref AW/90198152

7<sup>th</sup> June 2012

Ms Andrea Walker  
Cheshire East Council  
Revenues Service,  
Non Domestic Rates Section  
PO Box 39  
Town Hall  
Macclesfield  
SK10 1HR

Dear Ms Walker

## Re: Non-Domestic Rates, The Office, Lyme Green Park

I thank you for your letter dated 28<sup>th</sup> May 2012 advising us that Cheshire East Council is currently reviewing its discretionary rate relief policy and that from the 2013/2014 financial year, we may see a reduction in the amount of relief which we currently receive. I would like the Cabinet to consider the following comments before making their decision:

Lyme Green Settlement is a registered charity providing purpose built accommodation for severely disabled people. It was originally formed in 1946 to provide nursing care, rehabilitation and accommodation for paraplegic ex-service men and women who had sustained their injuries during conflict. Over the years, with the provision of more care in the community, the focus of the Settlement has changed. We no longer provide nursing care and in addition to ex-service personnel, we now provide accommodation for severely disabled civilians.

The office building is the focal point for the Settlement. The whole use of the building is geared to the provision of services for the disabled residents. The part-time administrator and secretary work from the building and in addition to carrying out the routine clerical work required on the Settlement, much of their time is taken up talking to residents, listening to their problems and discussing their welfare needs with them.

There is an active residents committee on the Settlement and the building is used by them on a regular basis for meetings and organised social functions.

Yours faithfully,  
The Office, Lyme Green Park

Dear Ms Walker

SK10 1HR  
Macclesfield  
Cheshire

The Wheelies Sports and Activity Club (a registered charity providing activities for the disabled) also use the office for their meetings as they find it convenient with several of their members living on the Settlement.

Once a month, a visiting clergyman/woman holds a communion service in the building, which is attended not only by residents of the Settlement but also some people who live locally.

No charges are made for any of these uses.

Cheshire East Council uses the building as a polling station at elections. A charge is made for this to cover expenses.

The building is not let out for private functions and is only ever used for community use.

Lyme Green Settlement is a private estate in the sense that, from its junction with London Road, being the closest public highway, all roads, footpaths, street lighting, foul and surface water sewers, water supply pipes and grounds are maintained by the Settlement. All these services are unadopted by the local authority or United Utilities and the cost of repairing these has to be met by the Settlement.

We are a non-profit making organisation with the aim of breaking even each year. So far we have managed to achieve this whilst keeping rent levels at around 75% of current market levels. Any increase in costs such as the loss of the discretionary rate relief has to be met by either a saving elsewhere or an increase in the rent for some of the most severely disabled people in our area.

Your letter states that under the Cheshire East policy we would not be entitled to the 20% discretionary rate relief which we currently receive. I assume, however, that we would be able to re-apply and our case would be considered along with other applications. If this is not the case, then I would strongly urge the Cabinet to reconsider before scrapping the discretionary rate relief entirely.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Walker', with a stylized flourish at the end.

Roy Walker  
Administrator



**Crewe Vagrants Sports Club Limited**

Newcastle Road Willaston Nantwich CW5 7EP  
Registered Number 28975 R  
VAT Number 741 8433 33

11 Mayflower Road  
Nantwich  
CW5 7DP

Ms A Walker  
Cheshire East Council  
Revenue Services  
P O Box 39  
Town Hall  
Macclesfield  
SK10 1HR

1<sup>st</sup> June 2012

Dear Ms Walker

**Ref AW/9100256**

Thank you for your letter of 29<sup>th</sup> May regarding the business rates for the club. Crewe Vagrants Sports Club Ltd is a non-profit making organisation with all the income generated being reinvested in the provision of sporting facilities. It is probably the largest multisport club in Cheshire having hockey, cricket and squash as member sports and being the base for Crewe and Nantwich Rugby Club and South Cheshire Harriers and is also used by Crewe Clarion Wheelers.

The club provides considerable opportunities to local children from 7 years old upwards to join in sport and receive regular coaching, rugby and cricket in particular having large junior sections.

The social and function area provides a much used facility to local residents for parties, wedding receptions, christening parties and funerals as well as being used by several local businesses for conferences and meetings.

If the discretionary rate relief is reduced it would significantly affect our ability to maintain and certainly improve the facilities we are offering to the residents of Crewe and Nantwich.

I am away until 11<sup>th</sup> June but can be contacted on 01606 558552 during office hours after that date.

Yours sincerely,



G Hurst

Hon Chairman



# Climb

Children Living with  
Inherited Metabolic Diseases

31<sup>st</sup> May 2012

Ms Andrea Walker  
Cheshire East Council Revenues Service  
PO Box 39  
Town Hall  
Macclesfield  
SK10 1HR

Dear Ms Walker

**Re: Your letter AW9104946 dated 28<sup>th</sup> May 2012**

Further to our telephone conversation this morning regarding the Non Domestic Rates at 176 Nantwich Road, Crewe.

We currently receive a 10% discretionary rate relief, however, your letter has advised Climb that we may no longer be entitled to this discretionary rate relief for 2013 onwards as we are a national charity.

I would to bring to your attention that Climb is a national charity that deals with families affected by rare inherited metabolic diseases and we have been established in Crewe for over 30 years. During this time we have built up an excellent drop-in and advice service which is particularly directed at families in the Cheshire area that have a member of their family suffering from a metabolic disease.

One of our specialist areas is supporting families who are making claims for Disability Living Allowance and we encourage people to drop in so that we can assist them with their claim.

As we provide such a service to the people of Cheshire we would be very disappointed if we are no longer able to be awarded the 10% discretionary rate relief that we are currently entitled to.

Yours sincerely

**Supporting families, changing lives**

**Steve Hannigan**  
Executive Director

Family Services: 0800 652 3181  
Administration: 0845 241 2173  
Facsimile: 0845 241 2174

Email: [info.svcs@climb.org.uk](mailto:info.svcs@climb.org.uk)  
Email: [enquiries@climb.org.uk](mailto:enquiries@climb.org.uk)

**[www.climb.org.uk](http://www.climb.org.uk)**

Founded in 1981, Climb is the only charity in the UK to encompass all metabolic diseases with links to organisations and professionals throughout the world

Children Living with Inherited Metabolic Diseases registered in England and Wales  
as a Registered Charity (1089588) and Company Limited by Guarantee (4267454)

Patrons: Her Grace the Duchess of Westminster and Mrs Julia Timpson Executive Director: Mr Steven Hannigan MIOD, ACMI.

incorporating the



**National Information Centre  
for Metabolic Diseases**

**WALKER, Andrea**

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**From:** J Dunning [john-dunning71@sky.com]  
**Sent:** 15 June 2012 12:41  
**To:** BRATES EAST  
**Cc:** Michael Chatwin  
**Subject:** Nantwich Town Football Club - Non Domestic Rates

Dear Ms Walker,

Your letter to the Football Club - Ref AW/9109522 has just been passed to me as the newly appointed Finance Director of the club.

I appreciate that I am just outside of your reply deadline and apologise for not responding by letter.

However I would express the clubs concern about the proposed change in policy which is quite a substantial amount for an organisation of our size.

As you may know we are very much a community based club and as such have achieved FA Charter Standard Community Club status.

We are therefore concerned about how such an increase in our operating costs will impact on our ability to continue to provide the same level of community based and youth activity.

I should be pleased if you would take our comments into account when considering your revised policy.

Regards

John Dunning

Director - Finance  
Nantwich Town Football Club





## Royal Society for the Prevention of Cruelty to Animals

12<sup>th</sup> June 2012  
Our Ref : AB/sjp  
Your Ref : AW/9101899

Non Domestic Rates Section  
Cheshire Borough Council  
Revenues Service  
PO Box 39  
Town Hall  
Macclesfield  
SK10 1HR

By email to: [brates@cheshireeast.gov.uk](mailto:brates@cheshireeast.gov.uk) & Post

Dear Sir

**RE: Non Domestic Rates Stapeley Grange Wildlife Hospital & Cattery**

I am in receipt of your letter dated the 28<sup>th</sup> of May concerning the removal of the 10% discretionary rate relief that to date has been granted in favour of the Society and the work it undertakes in the Cheshire East area.

Although part of a National Charity the Stapeley Grange Wildlife Centre is almost unique being only one of three in the Country that is operated for the benefit of the rate payers in the local area. Without this facility the additional burden of dealing with wildlife casualties would fall on the Local Authority from whom no doubt the local population would demand a response on the grounds of the humane treatment of injured animals, the majority of which would not receive the expert attention available from the RSPCA to relieve suffering.

I would urge your Council therefore to review its policy in this instance and continue to grant the RSPCA the discretionary relief and thus lessening the demand on the Society's charitable receipts to enable it to continue injured and distressed wildlife for the benefit of residents in the Cheshire East Council District.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Andrew Barnes', written over a light blue horizontal line.

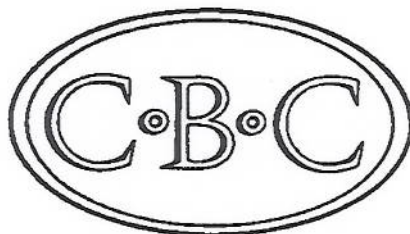
Andrew Barnes

RSPCA, Wilberforce Way  
Southwater, Horsham  
West Sussex RH13 9RS  
Tel 0300 123 0100  
Fax 0303 123 0100  
DX157200 Horsham 7  
A charity registered in  
England & Wales  
Charity no. 219099

[www.rspca.org.uk](http://www.rspca.org.uk)

Patron HM The Queen

Vice Patron His Grace  
The Archbishop of Canterbury



**CREWE BOWLING CLUB**  
21a Stanhope Avenue, Crewe, Cheshire CW1 6ED  
Telephone: 01270 587914

CHESHIRE EAST COUNCIL  
Revenue Services  
(Non Domestic Rates Section)  
PO Box 39  
Town Hall  
Macclesfield  
Cheshire  
SK10 1HR

Your Ref: AW/9100440

11<sup>th</sup> June 2012

Dear Ms Walker,

**NON DOMESTIC RATES CREWE BOWLING CLUB**

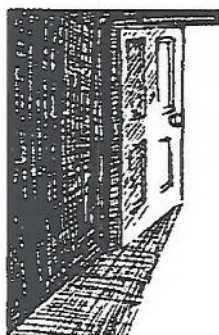
Your letter of 29<sup>th</sup> May 2012 informs us that our discretionary rate relief will be reduced from 75% to 50% from the 2013-2014 year.

We currently receive 100% Small Business Relief. If there is a change in government policy and the S.B.R. is reduced could we be considered for a retention of a 75% discretionary rate relief (or something similar) as compensation for any reduction please.

We are a non profit making bowling club and only have a small amount of income through subscriptions etc. and any additional expenditure makes it very difficult for us to manage our finances.

Yours sincerely

R.G. Lloyd (Secretary)  
Contact Tel. No. 01270 501588



# SURVIVE

abuse counselling

156, Nantwich Road  
Crewe  
Cheshire  
CW2 6BG

01270-253179 Client Contact  
01270-250051 Office

6<sup>th</sup> June 2012

Ms Andrea Walker  
Revenue Services  
PO Box 39, Town Hall  
Macclesfield  
SK10 1HR

Dear Andrea,

Following our conversation today I wish to inform you that the extra 20% discretionary rate relief is vital for the continuation of the charitable business of 'Survive'.

Survive is a counselling service that has been situated in Crewe for 20 years, to the benefit of all people (over 14 ) who have suffered the pain and anguish of being abused in any way, (such as rape and domestic violence). It is a referral and information point for statutory bodies such as the Police and Probation Service, Psychiatrists, GP's and Social Workers. Clients are also able to self refer and are often recommended by other clients.

Survive specialises in counselling adults who disclose that they were abused during their childhood and offer 1-1 support by a fully trained counsellor for as long as the client feels it is necessary, and only asks for donations as payment.

We aim to see new clients for assessment within one week, at that point a counsellor will be allocated and would offer a full, one hour counselling session weekly, at a time suitable for the client and counsellor.

**We are a non profit making counselling charity that runs totally on volunteer staff and donations.**

All the counsellors are unpaid and have undertaken both counselling qualifications and have passed Survive's own in-house counselling training to be thought suitable to effectively help their clients, who are often suffering from Post Traumatic Stress Syndrome.

**'Survive is the only local agency we know of in the area, that offer our level of commitment and expertise to both men and women.**

We, like other charities are suffering from chronic lack of funding and to continue with this work require help and support, without this substantial rate relief Survive will have to close.

Yours faithfully

Sally Lines  
Secretary to 'Survive'.

*Supported by The Morgan Foundation  
Cheshire East Council*

Survive is a Member of the British Association for Counselling and abides by its Code of Ethics and practice.



# SURVIVE

-abuse counselling

## WE ARE HERE TO HELP

We are a voluntary organisation dedicated to helping you if you have been sexually abused. Our team of professional counsellors have specialist training and experience in working with both female and male survivors of Incest and Sexual Assault

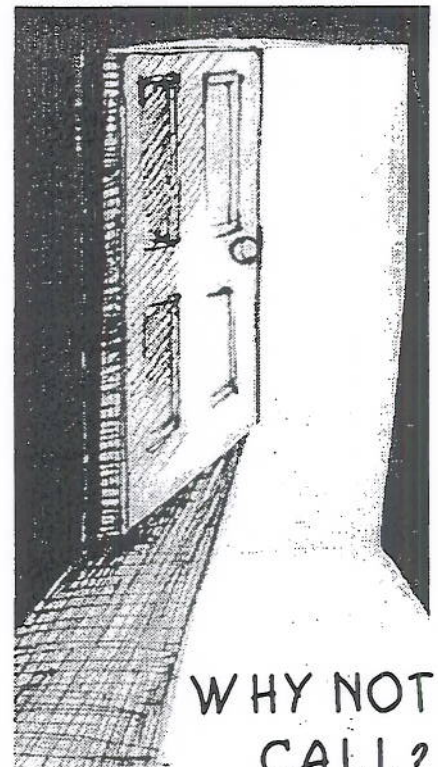
## DON'T FACE IT ALONE

The pain, grief and feelings of shame that often arise as a result of sexual abuse can make it almost impossible to live life to the full

Talking to someone who understands and who will not be shocked or upset by what you say can help you feel a lot better about yourself and your life

## TO US YOU ARE SOMEONE SPECIAL

- we *do* understand
- we *can* help
- we *do* have professional counsellors you can talk to in safety and confidence



WHY NOT  
CALL?

CREWE 01270 253179

**WALKER, Andrea**

---

**From:** Debbie Britcliffe [britcliffed@ladyverdintrust.com]  
**Sent:** 08 June 2012 11:42  
**To:** BRATES EAST  
**Subject:** Non Domestic Rates-Andrea Walker

Good morning,

I am writing in response to your recent correspondence concerning the above and letter reference AW/9102778. As a registered charity providing support to adults with learning disabilities we have been very grateful to receive a substantial amount of relief on our business rates for our office premises. The loss of such relief could result in our increase of charges being passed onto our venerable client group, which would be unfortunate. We have worked alongside the council for many years and would like to see our close working relationship grow every stronger for the years to come with the support for our charity growing further.

I look forward to hearing your decision for the future of this matter in due course.

Regards,  
Debbie Britcliffe MAAT,

*Director of Finance  
The Lady Verdin Trust Limited*



Registered Charity No. 1108111



Supporting Windyway Animal Rescue Centre, Buxton Old Road, Macclesfield

136 Macclesfield Old Road  
Buxton  
Derbyshire  
SK17 6TX

1<sup>st</sup> August 2012

FAO Andrea Walker  
Revenues Services  
PO Box 39 Town Hall  
Macclesfield  
SK10 1HR

Dear M/s Walker

Ref: WINDYWAY TRUST -Non Domestic Rates – Discretionary Rate Relief

73 Chestergate, Macclesfield, Cheshire SK11 6DG

With reference to your letters dated 26<sup>th</sup> March and 28<sup>th</sup> May I would like to request our charity is considered for continuation of the Discretionary Rate Relief we now receive.

We are a Cheshire based charity; the rescue kennels we support are in Macclesfield; our charity shop is on Chestergate in Macclesfield and the majority of our donations (monetary and goods) come from the good people of Cheshire; also the majority of the animals we rescue and rehome are within the Cheshire area. The registered address for our Charity on the Charity Commission's register of charities is 159 Whirley Road, Macclesfield, Cheshire, which is the home of our secretary.

Whilst the Charity Commission's website does state we cover other areas i.e. Derbyshire, Greater Manchester and Staffordshire, we do not discriminate against any animal needing rescue or against a potential new home for animals in our care.

[www.windyway.org](http://www.windyway.org)

**Chairman :** Lord Edward Goodwin, 47 Chatsworth Road, Hazel Grove, Stockport SK7 6BJ  
**Secretary:** Christine Earles, 159 Whirley Road, Macclesfield, Cheshire SK10 3JL  
**Treasurer:** Jacqueline Marriott, 136 Macclesfield Old Rd Buxton, Derbyshire. SK17 6TX  
**Sponsorship Secretary:** Mrs Patricia Barnard, 29 Penningtons Lane, Macclesfield, Cheshire. SK11 3US.

**Registered Charity No. 1108111**

Therefore should an animal from any of these other areas need rescue and care it is not turned away; also should someone from these other areas be willing to give an animal a good a loving home we certainly do not refuse them.

We are a well established charity and extremely well supported within the Macclesfield area.

Our charity shop is very busy with many customers who visit us on a daily basis and I think in these days of austerity we provide a very good service to our Macclesfield customers. If we were to lose any benefit it would severely impact on our charitable work.

We sincerely hope the Cheshire East Cabinet will take these factors into consideration when determining our rate relief status.

Yours sincerely



Jackie Marriott  
Treasurer

[www.windyway.org](http://www.windyway.org)

**Chairman :** Lord Edward Goodwin, 47 Chatsworth Road, Hazel Grove, Stockport SK7 6BJ

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# EQUALITY IMPACT ASSESSMENT FORM



Equality impact assessment is a legal requirement for all strategies, plans, functions, policies, procedures and services under the Equalities Act 2010. We are also legally required to publish assessments.

## Section 1: Description

Department	FINANCE & BUSINESS SERVICES	Lead officer responsible for assessment	PAUL MANNING			
Service	REVENUES	Other members of team undertaking assessment	ANDREA WALKER			
Date	17/07/2012	Version	1			
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service
Is this a new/existing/revision of an existing document (mark as appropriate)	New	Existing	Revision			
Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation)  Please attach a copy of the strategy/plan/function/policy/procedure/service	<b>NNDR Rate Relief Policy Revision</b>  Discretionary Rate Relief for Charitable and Non-Profit making organisations was previously granted at different levels by the three legacy district Councils. At reorganisation, Cheshire East introduced its own Rate Relief policy. Organisations that had previously been granted a lower level of Relief than the Cheshire East policy allowed were granted additional Relief. Organisations that had previously been granted a higher level of Relief than that awarded by Cheshire East had their position protected. The revision is required in order to balance the inequities in awards of Rate Relief in relation to different areas of Cheshire.					
Who are the main stakeholders? (eg general public, employees, Councillors, partners, specific audiences)	Charitable and 'Non Profit making' organisations and their stakeholders					

# EQUALITY IMPACT ASSESSMENT FORM

## Section 2: Initial screening

<b>Who is affected?</b> (This may or may not include the stakeholders listed above)	Charitable and 'Non Profit making' organisations and their stakeholders										
<b>Who is intended to benefit and how?</b>	Other Charitable and 'non-profit making' organisations will no longer be disadvantaged Council Tax payers – reduction in Cheshire East expenditure										
<b>Could there be a different impact or outcome for some groups?</b>	Yes										
<b>Does it include making decisions based on individual characteristics, needs or circumstances?</b>	No										
<b>Are relations between different groups or communities likely to be affected?</b> (eg will it favour one particular group or deny opportunities for others?)	No										
<b>Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?</b>	No.										
<b>Is there an actual or potential negative impact on these specific characteristics? (Please tick)</b>											
Due to the nature of the organisations affected, there may be an impact on a number of the following characteristics depending on the organisations' particular area of work. We have identified that the organisations may assist groups which reflect the following characteristics											
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	Religion & belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Carers	<input type="checkbox"/>	<input type="checkbox"/>

# EQUALITY IMPACT ASSESSMENT FORM

Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N	Socio-economic status	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N			
What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts										Consultation/involvement carried out	
										Yes	No
Age	<p>Organisations supporting groups for whom any of the relevant characteristics are subject to impact have been notified of the impact at an early stage and a number have responded. The responses will be considered by Cabinet members when the policy is reviewed. Groups representing the specific characteristics indicated above have been identified and details and further information is attached for each.</p> <p>Support and advice will be offered through engagement with CVS in terms of signposting alternative channels for funding where this is available. For example, CVS are liaising with Sport Cheshire to support sporting clubs that may be affected by a revised policy.</p> <p>Cheshire East Council may consider alternative, shorter term relief in certain circumstances where other funding is not available.</p>										
Disability											
Gender reassignment											
Marriage & civil partnership											
Pregnancy & maternity											
Race											
Religion & belief											
Sex											
Sexual orientation											
Carers											
Socio-economic status											

## EQUALITY IMPACT ASSESSMENT FORM

Proceed to full impact assessment? (Please tick)	Yes	No	Date 17/07/2012
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Please publish this completed EIA form on your website

## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Arthur Pritchard – Assets Manager
<b>Subject/Title:</b>	Transfer of the former Broad Street School, Crewe
<b>Portfolio Holder:</b>	Cllr Jamie Macrae – Portfolio Holder for Prosperity and Economic Regeneration

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#### 1.0 Report Summary

- 1.1 To consider a proposal to relocate the Cheshire Academy of Integrated Sport and Arts from their existing premises at Macon Way, Crewe to the former Broad Street School, Crewe.
- 1.2 The Academy currently operates from Council owned premises on Macon Way, Crewe (Appendix 1 – Site Plan). The terms of occupation are historical dating back to an agreement signed in 1994 with a rent payable to the Council of £2,000 per annum.
- 1.3 The existing premises are in poor condition with expenditure in excess of £300,000 required to bring it up to an acceptable condition. In addition, the work of the Academy has significantly expanded since its foundation in 1993. The existing building no longer provides either the scale or quality of accommodation the Academy needs to fulfil its role in the community.
- 1.4 The Academy occupies a small part of a much larger Council owned site on Macon Way. The remainder of the site is occupied by the Council providing office accommodation primarily for use by Care 4CE. The site is of considerable strategic importance to the Council occupying a gateway location at the Macon Way roundabout in close proximity to the railway station, former Royal Mail site and the fire station.
- 1.5 The Academy has approached the Council with a proposal to relocate to the Former Broad Street School in the West Coppenhall and Grosvenor area of Crewe (Appendix 2 – Site Plan).
- 1.6 The decision required to transfer the former Broad Street School to the Academy will amount to a community asset transfer at less than best consideration and, therefore, amounts to a choice between:
  - 1.6.1 Expenditure on other services made possible as a result of a ‘commercial’ or best-price disposal of the asset,



- 1.6.2 The benefits generated to the Community and/or the Council by the transfer of the asset to the third sector.

## **2.0 Decision Requested**

- 2.1 That a leasehold interest for a term of more than 15 but no more than 25 years of the former Broad Street School, Crewe be granted on full repairing and insurance terms to the Cheshire Academy of Integrated Sport and Arts.
- 2.2 That the Strategic Director for Places and Organisational Capacity, Director for Finance and Business Services and Borough Solicitor be given delegated authority to finalise the details of the lease in accordance with the procedures and controls detailed in this report.
- 2.3 That the required consents for the proposed lease of the former Broad Street School be sought from the Secretary of State for Education.

## **3.0 Reasons for Recommendations**

- 3.1 In view of the important contribution made by the Academy to the delivery of the Council's wider corporate objectives it is essential that every effort is made to ensure the long term viability of the Academy in order to protect those vulnerable members of our community who rely on the services it provides.
- 3.2 In the absence of the Academy, the Council would be required to source and fund alternative provision. Any failure to meet the needs of the vulnerable children's and young adult's groups who use the Academy's services would place the Council at great reputational risk.
- 3.3 The Academy, despite its high profile contribution to the community of Cheshire East, receives no central funding and is entirely dependent for its revenue on fees, fundraising, donations and individual project grants. The limitations of the current building only serve to exacerbate the funding issue, precluding certain grant applications and the ability to secure relevant quality endorsements such as OFSTED and 'Club Mark'.
- 3.4 The Academy's existing premises at Macon Way are no longer suitable for their needs. The premises are in an extremely poor state of repair suffering from a number of inherent problems due to a lack of investment over their period of occupation.
- 3.5 In addition, the work of the Academy has significantly expanded since its foundation in 1993. The existing building no longer provides either the scale or quality of accommodation the Academy needs to fulfil its role in the community. The existing building footprint, even allowing for

potential refurbishment and enhancement, is no longer sufficient for their needs.

- 3.6 Works required to return the Macon Way building to an acceptable standard are estimated to cost in the order of £300,000. The works would not, however, address the sufficiency issue referred to in 3.2 above.
- 3.7 The existing Macon Way site is a relatively small part of a much larger Council owned site on Macon Way. The remainder of the site is occupied by the Council providing office accommodation primarily for use by Care 4CE. The site is of considerable strategic importance to the Council occupying a gateway location at the Macon Way roundabout in close proximity to the railway station, former Royal Mail site and the fire station.
- 3.8 Consequently the Council is unable to commit to a long-term occupational agreement in respect of the Academy's existing premises.
- 3.9 In view of the strategic ambitions for the Macon Way site and the scale of the investment required to bring the accommodation up to an acceptable standard, it is not considered possible to maintain the Academy's presence at their existing location.
- 3.10 Given the importance of the contribution made by the Academy to the delivery of the Council's wider corporate objectives, alternative options have been considered and it is now proposed that the Academy be relocated to the former Broad Street School.
- 3.11 The former school is currently vacant. Although valued in the order of £300,000, a recent marketing exercise generated a poor response and interest in the premises continues to be low. The Council is incurring significant holding costs (2011/12–circa £65,000), particularly in relation to the security of the building. It is not expected that a buyer for the property will be found in the short to medium term. In the meantime, the condition of the building continues to deteriorate.
- 3.12 The proposed relocation of the Academy to Broad Street would serve to mitigate the Council's responsibility for ongoing holding costs. An assessment of the condition of the building has identified the need for essential works of repair prior to any occupation of the building. Detailed costings amount to £101,333, primarily in relation to the roof and consequential water damage to the internal fixtures and fittings and the electrical installation. Payback on this investment is less than 2 years given the £65k holding costs per annum and the works required recently following break ins to the building.
- 3.13 The works would be required irrespective of the needs of any potential user and should be considered against the ongoing liability in respect

of holding costs. The cost of the works required prior to occupation will met from the existing capital spend allocation for this financial year.

- 3.14 On the basis that the services provided to children and young adults by the Academy are of significant benefit to the community and the Council, it is proposed that the former Broad Street School be transferred to the Academy in accordance with the Council's policies in respect of community asset transfer.
- 3.15 The proposed transfer will take the form of a long lease of sufficient duration to allow the Academy to secure external investment. The lease will contain such provisions necessary to address the risks identified elsewhere in this report and will be made on a full repairing and insuring basis thereby ensuring that the Council does not incur any additional expenditure over and above that already identified elsewhere in this report.
- 3.16 The proposed lease will also provide the Council with the means to ensure that the asset continues to contribute to the Council's corporate priorities throughout the term.

#### **4.0 Wards Affected**

- 4.1 Crewe East  
Crewe North

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

- 5.1 Crewe East - Cllr Margaret Martin  
Cllr David Newton  
Cllr Chris Thorley.
- Crewe North - Cllr Mo Grant

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

- 6.1 Health

##### **6.1.1 Public Health Outcomes**

- Improving the Determinants of Health - This transfer will provide vulnerable user groups a secure and permanent environment for their activities
- Social connectedness - The Broad Street location will provide greater opportunities for social integration with the wider community and provide opportunities for other user groups to access and use the facilities.

### 6.1.2 Health Improvement

- Regular exercise and involvement in sport can make a significant contribution to reducing childhood and adult obesity and reducing the incidence of cardio-vascular disease and diabetes in later life.
- Obesity can be a significant health problem in children with additional needs and reduced mobility.
- Regular exercise, social interaction and supported activities have a positive impact on the mental health and well-being of both individuals using the facility and their carers.

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

- 7.1 The Council is able to dispose of land and buildings at less than best consideration under the General Disposal Consent referred to in Legal Implications where the 'undervalue' is less than £2million and the other conditions of the Consent are satisfied.
- 7.2 There is no requirement that Local authorities undertake a tendering process within the General Disposal Consent. However, there is the general requirement for authorities to follow "normal and prudent commercial practices". Where a local authority has undertaken a valuation of the asset to understand the level of the 'undervalue' and has established a robust business case for transfer, there would be no further requirement to 'market test' a transfer proposal to meet the General Consent criteria
- 7.3 There is also a requirement for a Local authority to satisfy itself that it will not give unlawful State aid as by accepting an 'undervalue' the Local Authority is providing a subsidy. It is unlikely that such a community facility transfer will raise any State aid issues for the reasons explained in the Legal Implications.
- 7.4 Therefore, in terms of this specific proposal, there is a need to set the financial implications in the context of the contribution made by the Academy to the delivery of the Council's wider corporate objectives. It is considered that the contribution made by the Academy in terms of disabled provision for both children and young adults is significant and that any reduction in that provision would need to be re-provided, and funded, by the Council.
- 7.5 As referred to elsewhere in this report, the Academy's existing premises at Macon Way are in an extremely poor condition. The poor state of the accommodation is already directly impacting on the

Academy's ability to deliver the level of service expected by users and controlling authorities, and will ultimately result in the need for the Council to seek alternative means of provision.

- 7.6 Due to the condition of the building, and its inherent unsuitability, the cost of the works required to bring it up to an acceptable standard, is estimated to be in excess of £300,000. Such a level of expenditure cannot be justified without a full consideration of the alternative options available to the Council in order to ensure the continuation of the services provided to the community by the Academy. Nor should any decision be taken in isolation, ignoring the wider strategic importance of the Macon Way site.
- 7.7 The former Broad Street School is vacant. Although valued in the order of £300,000, a recent marketing exercise generated a poor response and interest in the premises continues to be low. The Council is incurring significant holding costs (2011/12—circa £65,000), particularly in relation to the security of the building. It is not expected that a buyer for the property will be found in the short to medium term. In the meantime, the condition of the building continues to deteriorate.
- 7.8 The proposed relocation of the Academy to Broad Street would serve to mitigate the Council's responsibility for ongoing holding costs. An assessment of the condition of the building has identified the need for essential works of repair prior to any occupation of the building. Detailed costings amount to £101,333, primarily in relation to the roof and consequential water damage to the internal fixtures and fittings and the electrical installation.

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

- 8.1 Local authorities are able to dispose of land and buildings at less than the best consideration reasonably obtainable under the General Disposal Consent (England) 2003, where the 'undervalue' is less than £2million. A lease for a term of more than 7 years is a disposal. The Consent requires the Local authority to be of the view that the disposal is likely to help to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 8.2 There is also a requirement for a Local authority to satisfy itself that it will not give unlawful State Aid as by accepting an 'undervalue' the Local Authority is providing a subsidy. It is unlikely that the proposed letting at a peppercorn rent for the purposes of delivering essentially community services, raises State aid difficulties for the following reasons:
- 8.2.1 The Academy is a charitable body and will use the premises for community benefit purposes. The structure proposed is more or less a classical "flow through" structure by which the real benefit of the aid involved will pass through the Academy and on to the

real beneficiaries, which are the general public (and in certain cases disadvantaged members of the general public at that). The end beneficiaries themselves are not economic undertakings capable of receiving State aid. The Academy itself will be seen to have the aid flow through it and thus will not be a beneficiary itself. This thinking derives from a European Commission Decision of 2005 generally known as “German Incubators”.

8.2.2 For the “flow through” principle to apply the Academy has to be a not for profit body that recycles any income derived for the further purposes of delivering the community services, the asset being funded must be maintained for the purpose intended for at least 15 years, and the funding must facilitate the end beneficiaries receiving benefits via free or discounted services.

8.2.3 Even if the “flow through” principle did not apply this transfer at undervalue would be low risk in State aid terms based on a balance of the following additional considerations:

- the amount of benefit involved is relatively low and is not the sort of amount that would trouble the European Commission even if it were to be considered State aid;
- arguably the transaction is not capable of affecting trade between Member States, which is a necessary condition for a finding of State aid. The European Commission is notoriously conservative in finding no effect on trade but realistically in this case there is no possibility of inter state trade being affected; and
- arguably the Academy is not an economic undertaking capable of receiving State aid. If it operates on a purely “free at the point of delivery” basis then it would be clear that it is not an undertaking, but if it charges limited amounts then arguably it is acting as a going concern.

8.2.4 Based on a balance of all the above it is not considered there should be any real concern over State aid for this project but we recommend a Lease for a term of at least 15 years restricting the use of the premises to use for community benefit purposes and that the Council reserves the right to end the Lease if there is found to be unlawful State aid.

8.2.5 The fact of essential repairs being undertaken by the Council at its cost is not considered to be aid at all as the Council would undertake the repairs in order to allow any occupation of the building and these repairs improve the asset.

8.3 In transferring assets the Council must behave prudently to fulfil its fiduciary duty.

- 8.4 From 1<sup>st</sup> February 2012, Section 63 of the Education Act 2011 inserted a new Schedule 1 into the Academies Act 2010 stating that the consent of the Secretary of State for Education is required for the sale or transfer of land which the local authority has held as a school in the last eight years.
- 8.5 Although, Secretary of State consent to dispose was obtained prior to the marketing of the site in 2011, the consent is no longer considered to be valid and, therefore, any proposed transfer of the former Broad Street School will require two consents from the Secretary of State for Education.
- 8.6 An application for consent under Schedule 1 carries with it the risk that the Secretary of State will take the land for an academy or free school which requires land in the area
- 8.7 A second consent from the Secretary of State for Education is required for the disposal of Broad Street School In respect of the playing fields. The application is under Section 77 of the School Standards and Framework Act 1998. The risk to the Council is that the Secretary of State refuses consent.

## **9.0 Risk Management**

- 9.1 That the proposal is viable and sustainable in the long term and that it creates wide social value and benefits which support the corporate aims and priorities of the Council as set out in adopted policy.
- 9.2 The capacity of the Academy to acquire and manage the asset, and to meet capital and ongoing revenue costs in order to demonstrate the ongoing sustainability of the project
- 9.3 That the proposed transfer is carried out in a transparent manner with clear processes for assessing the benefits of the transfer (linked to corporate priorities) which allows a comparison with market value.
- 9.4 That Secretary of State consent under Schedule 1 of the Academies Act 2010 is refused on the basis that the land is required for an academy or free school which requires land in the area
- 9.5 That Secretary of State consent under Section 77 of the School Standards and Framework Act 1998 is refused.

## **10.0 Background and Options**

- 10.1 The Cheshire Academy of Integrated Sport and Arts is a charitable organisation based in Crewe which works with both children and young adults with disabilities. The organisation was founded in 1993 and now provides care and support for those with disabilities and their extended

families, gaining national recognition for its work with the award of the Queens Award for Voluntary Service in 2007.

- 10.2 The Academy provides volunteering opportunities including the provision of placements for Manchester Metropolitan University (MMU) degree and masters degree students. The Academy also provides a child development centre called LEAP which works with children who have more complex needs.
- 10.3 The Academy is also recognised for its contribution in the field of disability sport. Academy students regularly represent Great Britain on an international stage, providing champions in such disciplines as bocce, gymnastics and athletics at a National, World and Olympic level.
- 10.4 At a regional level, the Academy excels in as many as eleven different sports, including football and athletics, and is at the centre of events as part of the Special Olympics Cheshire East. Other social and community activities include the provision of disability accessible youth clubs, the Cheshire Deaf Club and alternative therapy sessions.
- 10.5 The Academy currently operates from Council owned premises on Macon Way, Crewe (Appendix 1 – Site Plan). The terms of occupation are historical dating back to an agreement signed in 1994 with a rent payable to the Council of £2,000 per annum.
- 10.6 The existing premises are of timber construction and are suffering from a number of inherent problems due to a lack of investment over the period of occupation by the Academy. In brief, the building would not pass any normally accepted fitness standards and any further deterioration could begin to pose a health risk to people who attend and work in the building.
- 10.7 The timber framing to the external elevations is suffering from extensive rot, resulting in some serious settlement and the risk of glazing panels falling out – with the inevitable risk that this can pose. The roof is in a poor condition and suffers from numerous leaks – some even over electrical distribution boards, needless to say not an acceptable situation.
- 10.8 The condition of the existing building is considered to be so poor that, in order to bring it up to an acceptable standard, expenditure in excess of £300,000 would be required. In addition, the Academy would be forced to relocate to temporary accommodation whilst any remedial works were undertaken.
- 10.9 In addition to the costs associated with a refurbishment of the existing premises at Macon Way, there are a number of other factors which have prompted a search for an alternative home for the Academy:



- 10.9.1 The work of the Academy has significantly expanded since its foundation in 1993. The existing building no longer provides either the scale or quality of accommodation the Academy needs to fulfil its role in the community. The existing building footprint, even allowing for potential refurbishment and enhancement, is no longer sufficient for their needs.
- 10.9.2 The Academy, despite its high profile contribution to the community of Cheshire East, receives no central funding and is entirely dependent for its revenue on fees, fundraising, donations and individual project grants. The limitations of the current building only serve to exacerbate the funding issue, precluding certain grant applications and the ability to secure relevant quality endorsements such as OFSTED and 'Club Mark'
- 10.9.3 The Academy occupy a small part of a much larger Council owned site on Macon Way. The remainder of the site is occupied by the Council providing office accommodation primarily for use by Care 4CE. The site is of considerable strategic importance to the Council occupying a gateway location at the Macon Way roundabout in close proximity to the railway station, former Royal Mail site and the fire station.
- 10.10 The Academy has approached the Council with a proposal to relocate to the Former Broad Street School in the West Coppenhall and Grosvenor area of Crewe (Appendix 2 – Site Plan). The proposal has been given the title, 'The Broad Street Project' and, whilst the building itself addresses the fundamental issues of scale and quality of environment, it could also be argued that its location does put the Academy in an appropriate environment for the services it seeks to provide.
- 10.11 The former Broad Street School is situated in the geographical area of West Coppenhall and Grosvenor, which is officially shown to be the area with the highest index of deprivation score in the whole of Cheshire East. There are few facilities in the area for the local community to enjoy.
- 10.12 The Broad Street Project is intended to become a hub and focus for the local community providing a new venue for the activities currently undertaken at Macon Way, but in addition providing scope for future expansion. The Academy's draft business plan includes proposals for a community café and a gardening area with a clear focus on providing a wider range of support to the local community.
- 10.13 The former Broad Street School comprises of some 12,718 sq.ft (GIA) occupying a site extending to 0.66 acres with extensive frontage to Broad Street and McLaren Street. The site has the potential for reuse for a number of purposes but is considered most suitable for

redevelopment for housing, being situated in an established residential area.

- 10.14 The site was extensively marketed in 2011 but failed to generate an acceptable offer. It remains on the market and has been recently valued at £300,000. Holding costs for the Authority are significant due in the main to ongoing security issues at the site.
- 10.15 An assessment of the condition of the building at Broad Street has identified the need for essential works of repair prior to any future occupation of the building. Detailed costings amount to £101,333, primarily in relation to the roof and consequential water damage to the internal fixtures and fittings and the electrical installation. If the proposal to relocate the Academy is agreed or, indeed, if the building is to be occupied at all, this essential expenditure will need to be financed from the existing capital spend allocation for this financial year.
- 10.16 A decision to facilitate the move of the Academy from Macon Way to Broad Street therefore carries with it significant financial implications and a degree of risk which needs to be balanced against the perceived benefits to the Council, including an assessment of the contribution the proposal will make to the delivery of the Council's wider Corporate objectives.
- 10.17 Local authorities are able to dispose of land if the conditions of the 2003 Consent apply to secure the promotion or improvement of the economic, social or environmental well-being of an area.
- 10.18 In general terms, when assessing the merits of a community asset transfer, the decision is essentially a choice between achieving a capital receipt from the sale of the asset and using that receipt to support the councils spending needs and the benefits generated to the community and/or the council by the transfer of the asset to the third sector. In assessing proposals for asset transfer, the council will measure the relative benefits and risks of these two options in order to make a decision
- 10.19 The ownership and the management of assets by community organisations is being supported by Government. It is seen as a means to achieve a range of key objectives, from promoting civil renewal, active citizenship and improving local public services to tackling poverty and prompting economic regeneration - through developing social enterprise and supporting the growth of community anchor organisations
- 10.20 Therefore, in making an asset transfer decision, local authorities should:
- 10.20.1 Have regard to their community strategy.

- 10.20.2 Assess the likely amount of the undervalue
  - 10.20.3 Understand what community benefits will be realised by transfer and how the interests of local people will be better served.
  - 10.20.4 Have regard to business plan and financial viability of the community based organisation's plans.
  - 10.20.5 Understand the State Aid implications.
  - 10.20.6 Assess market interest.
- 10.21 The spectrum of transfer options can range widely, and can include a freehold or a long lease. However, for most transfers, where grants or loans are required for capital development, the length of tenure will need to be long enough to secure external investment. Therefore, community asset transfer is usually taken to mean a long lease, of at least 25 years, or a freehold.
- 10.22 The Council will generally effect community asset transfers on the basis of short/medium and long term leases. It will not generally transfer the freehold of its assets. The extent of tenant's responsibilities under the lease, together with the level of any prospective rent, will be influenced/informed by individual circumstances and the length of lease involved.

## **11.0 Access to Information**

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

Name: Arthur Pritchard

Designation: Assets Manager

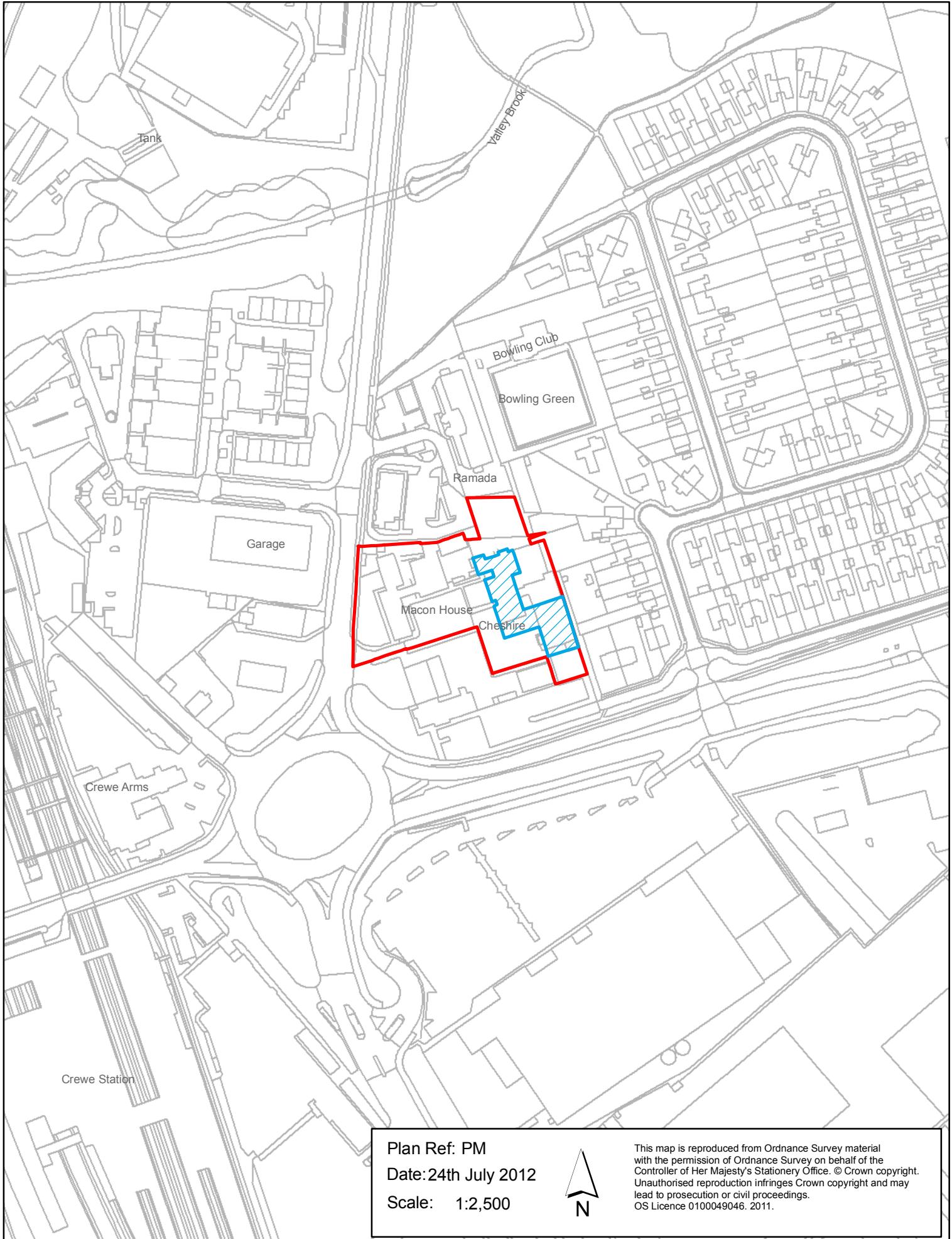
Tel No: 01270 686144

Email: [arthur.pritchard@cheshireeast.gov.uk](mailto:arthur.pritchard@cheshireeast.gov.uk)

Appendix 1 – Site Plan – Cheshire Academy of Integrated Sport & Arts Existing Premises at Macon Way, Crewe

Appendix 2 – Site Plan – Former Broad Street School, Crewe

**Appendix 1 - Site Plan -  
Cheshire Academy and Integrated Sport and Arts, Macon Way**



Plan Ref: PM

Date: 24th July 2012

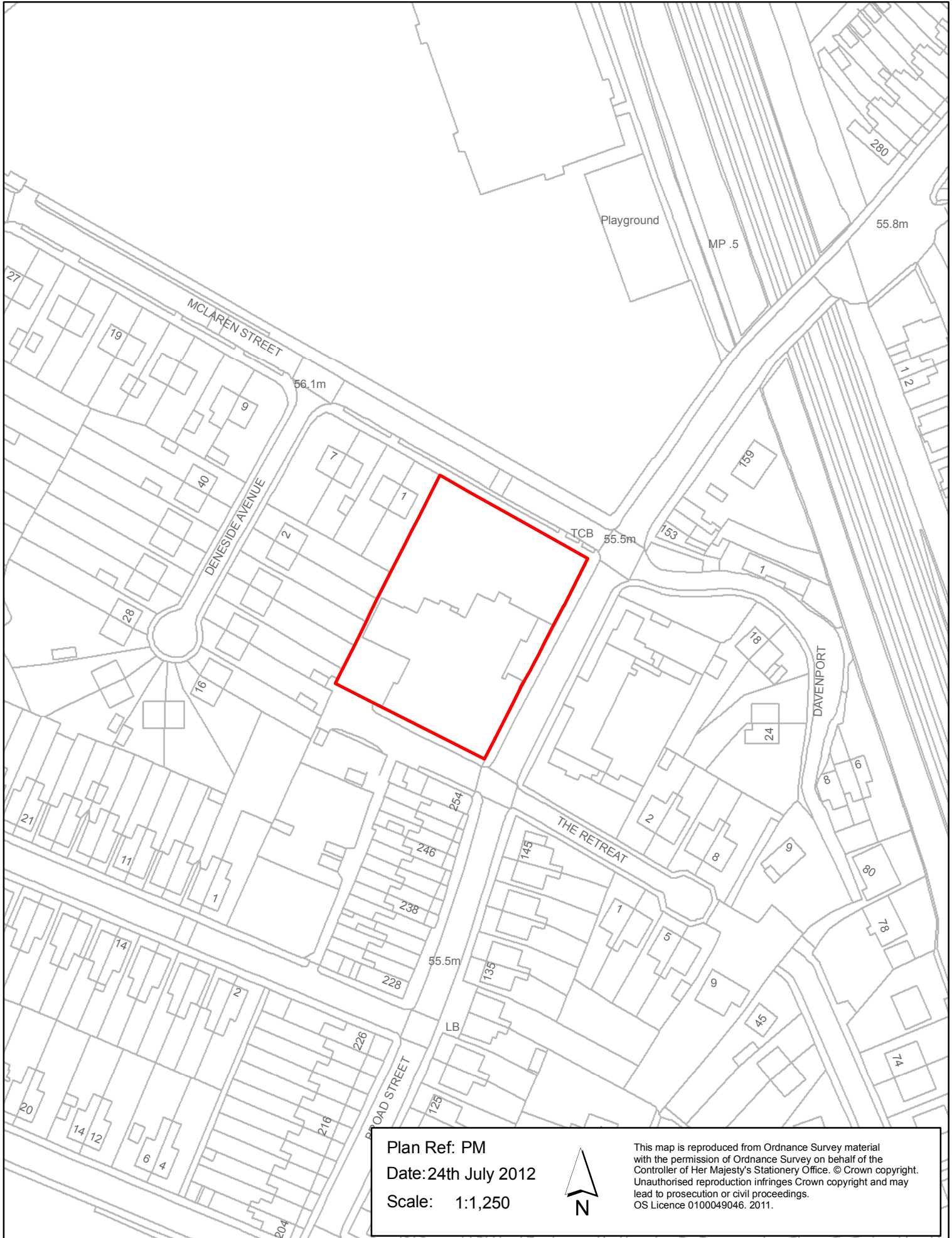
Scale: 1:2,500



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## Appendix 2 - Site Plan - Former Broad Street School Premises, Crewe



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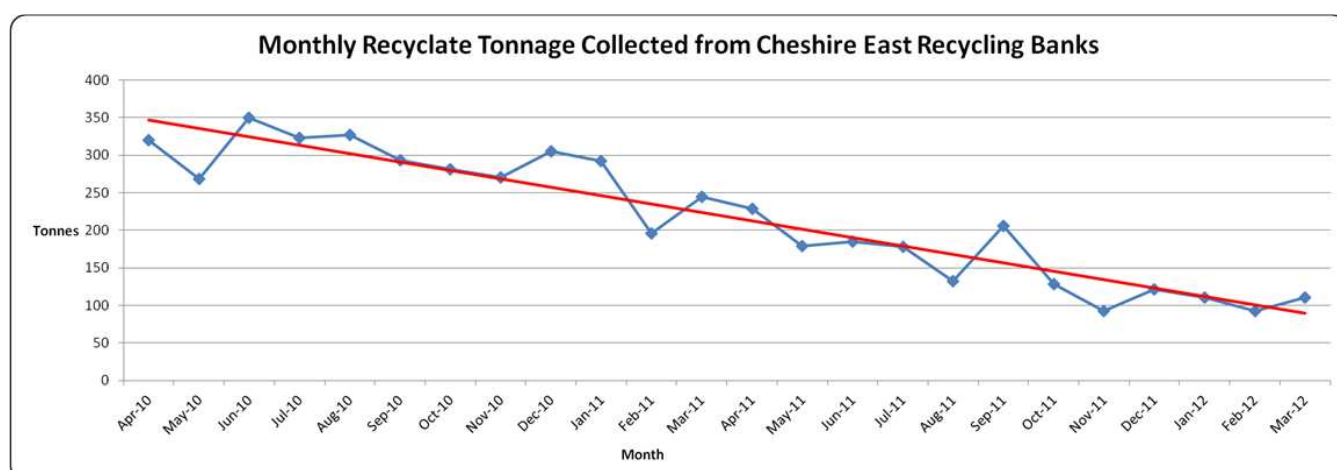
## CHESHIRE EAST COUNCIL

### Cabinet

**Date of Meeting:** 20<sup>th</sup> August 2012  
**Report of:** Strategic Director - Places  
**Subject/Title:** Review of Recycle Bank Sites  
**Portfolio Holder:** Rod Menlove, Environmental Services

#### 1.0 Report Summary

- 1.1 Following the introduction of the 'silver bin' kerbside recycling service there has been a significant reduction in the usage of recycling banks across Cheshire East. In the light of reduced demand and the improved kerbside service there is the opportunity to review the number and type of banks provided to both remove duplication of provision and refocus sites on materials not collected in the kerbside scheme such as textiles, shoes etc. Recycling banks on Household Waste Recycling Centres would not be affected by this review.
- 1.2 Recycle Bank Sites are used by members of the public to deposit various recyclable materials. Sites are positioned on public car parks, shopping centres, and Household Waste Recycling Centres. There are currently around 139 Recycle Bank Sites situated throughout Cheshire East collecting an average of 181 tonnes of recycle a month. The graph below illustrates the reduction in tonnage collected in recycling banks following the introduction of the silver bin service. A full list of Recycle Bank Sites and the materials they recycle is detailed in Appendix 1.



- 1.3 The provision of Recycling Banks is complicated by that fact that banks are on a variety of Council and private land positioned on public car parks, and shopping centres. They are also serviced through a mixture of internal collections, from Pym's Lane Waste Depot and external collections using



various recycling companies.

- 1.4 Depending on the material type, Cheshire East Council are incurring charges from external recycling companies for the collection and processing of the recyclable materials. Materials currently costing Cheshire East Council to be collected include glass, plastics and cans. The projected cost for 2012 for the servicing of these banks is £60K. An annual cost projection is provided in Appendix 3.
- 1.5 All other materials collected from Recycle Bank sites are collected without charge. The collection of some textiles generates an income for Cheshire East Council while other textile banks are provided by charities and generate an income for the charity. Details of income generated from Recycle Bank Sites is detailed in Appendix 4.
- 1.6 With the introduction of the silver bin recycling scheme the Recycling and Waste Service see the need to remove duplication of service between banks and the new kerbside recycling collection. In addition there is a need to promote waste reduction and reuse through the inclusion of materials not included in the current kerbside waste stream, notably books, textiles and shoes.
- 1.7 The outcome of the recommendation should promote reuse and recycling of materials not collected at the kerbside and ensure financial savings through the removal of a duplication of service.

## **2.0 Decision Requested**

- 2.1 Cabinet is requested to cease the provision of banks that duplicate the silver bin kerbside collection of materials and promote the provision of banks that collect materials not collected in the silver bin.

## **3.0 Reasons for Recommendations**

- 3.1 To ensure Cheshire East Council achieves best value in collecting recycling from the public by removing recycling banks that duplicate the silver bin kerbside collection of materials.
- 3.2 To ensure residents of all parishes and wards have the ability to recycle materials not currently collected in the kerbside recycling scheme.

## **4.0 Wards Affected**

- 4.1 All Wards are affected.

## **5.0 Local Ward Members**

- 5.1 All Local Ward Members

## 6.0 Policy Implications including

- 6.1 Our Sustainable Community Strategy and Joint Municipal Waste Strategy seek to manage waste more sustainably, promoting waste prevention reuse and recycling. The review of bank sites would remove duplication of service provision and hence carbon savings from collection. It would also refocus bank sites on reusable and recyclable materials not able to be collected at the kerbside producing further carbon savings through diversion of waste from landfill to reuse and recycling.

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

- 7.1 The Waste & Recycling Service currently has an approved 2012-13 net budget of £62k for servicing recycling banks across the Borough. This comprises:

	£'000
In house costs (Labour/Vehicle time) – see note	53
External Contract Costs – Collections/Haulage chgs	33
Income from Recycling Bank Collections	(25)
Net Budget 2012-13	61

Labour/Vehicle costs are predominantly used for servicing glass banks in the Crewe and Nantwich areas. Front-line operatives/vehicles undertake this work along side their normal collection duties, hence the proposed cessation of the CEC serviced glass sites in options 1 & 2 will not deliver any direct operations savings unless the collection service can rationalise the fleet.

Appendix 3 sets out the estimated financial impacts based on the operational changes described in the report, set against the 2012-13 budget position above on an annual basis. This shows that in a full year, savings through reductions in external contract costs and related income from existing recycling banks collections should reduce the net operating costs by £36k pa

The proposal includes plans to expand the material collected at remaining sites to include items not currently collected at the kerbside. Whilst further additional savings should be achievable through these changes from landfill diversion, at this stage it is not possible to quantify additional savings.

Subject to Cabinet's approval of the attached proposals, the changes to the in year forecast will be reported at Mid Year Review and future year budget implications will be built into and reported through the 2013-14+ business planning process.

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

- 8.1 The arrangement for the removal of plastics has been inherited from Macclesfield Borough Council and I am advised that there is no written contract in place. The Council requires that all contracts with a value of £10K or above are in writing and signed by the Borough Solicitor. We do not know if the contract was awarded pursuant to a compliant procurement process. If the service is required in future the opportunity must be advertised and compliantly procured.

In circumstances where the Council pays to site a bank on private land the agreements need to be reviewed to review notice provisions.

Prior to withdrawing any provision clear notice should be provided of the removals to allow representations from individuals that feel they are negatively affected by the change. Should the Council decide to increase the number of banks that potentially profit charities the opportunity needs to be advertised in reduce the risk of challenge that the Council is not acting fairly.

## **9.0 Risk Management**

- 9.1 The risk of adverse publicity is present should Cheshire East Council decide to reduce the level of service residents are receiving at Recycle Bank Sites.
- 9.2 We are already aware of some bank providers' intention to remove banks such as cartons due to reduced usage making them uneconomic to maintain. There is a risk that Contractors currently collecting materials could withdraw or increase the cost of its services with little notice as a result of the reduced demand for banks.

## **10.0 Proposal**

- 10.1 To remove banks that duplicate the kerbside recycling service on all sites in Council control and sites on private land where the Council pays for the provision of a bank (with the exception of HWRC's). To replace these removed banks with charitable and commercial banks collecting materials not collected at the kerbside.

This would provided savings through the removal of banks that directly incur a charge to the Council, and potentially provide additional savings through maximising the diversion of materials from landfill from bank sites by focusing banks on collecting recyclables not collected in the silver bin scheme.

In practice this would mean:

- *Stop banks where Cheshire East Council incur external collection costs.*

- *Replace containers with material not currently collected at kerbside such as shoes, textiles etc on Council Owned Land sites (i.e. many supermarket sites would not be affected)*
- Give notice to private premises (Pubs, Clubs and Hotels) of the cessation of service for in house collections of glass from Council owned bank collection in Crewe. (This facility was provided by the former Crewe and Nantwich authority to compensate for glass not being collected at the kerbside and is now superseded by the enhanced silver bin scheme).

## **11.0 Access to Information**

Report writer:

Name: Ralph Kemp

Designation: Waste Strategy Manager

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## Appendix 1: Full List of Recycle Bank Sites and Materials Collected

<u>Site</u>	<u>Address</u>	<u>Council Owned</u>	<b>MATERIALS RECYCLED</b>								
			<u>Paper</u>	<u>Glass</u>	<u>Plastic</u>	<u>Cans</u>	<u>Textiles</u>	<u>Shoes</u>	<u>Books</u>	<u>Oil</u>	<u>WEEE</u>
Civic Car Park	Sandbach Road, Alsager	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Fanny's Croft Car Park	Audley Road, Alsager	Yes	No	No	No	No	Yes	Yes	No	No	No
Manor House Hotel	Audley Road, Alsager	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
Alsager Household Waste Recycling Centre	Hassall Road Household Waste Recycling Centre, Hassall Road, Alsager, ST7 2SJ	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
Bridge Inn	Shropshire Street, Audlem, CW3 0DX	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
Cheshire Street Car Park	Cheshire Street, Audlem, CW3 0AH	Yes	No	No	No	No	No	Yes	No	Yes	No
Lord Combermere (Pub/Restaurant)	The Square, Audlem, CW3 0AQ	No	Yes	No	No	Yes	No	No	No	Yes	No
Shroppie Fly (Pub)	The Wharf, Shropshire Street, Audlem, CW3 0DX	No	Yes	No	No	Yes	No	No	No	Yes	No
Bollington Household Waste Recycling Centre	Albert Road, Bollington, SK10 5HW	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Pool Bank Car Park	Palmerston Street, Bollington, SK10 5PX	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Boars Leigh Hotel	Leek Road, Bosley, SK11 0PN	No	Yes	No	No	No	No	No	No	Yes	No
Bosley St Mary's County Primary School	Leek Road, Bosley, SK11 0NX	Yes	No	No	No	No	No	No	No	Yes	No
West Street Car Park	West Street, Congleton, CW12 1JR	Yes	No	No	No	No	Yes	Yes	No	Yes	No
West Heath Shopping Centre	Holmes Chapel Road, Congleton, CW12 4NB	No	Yes	No	No	Yes	Yes	Yes	No	No	No
Tesco, Barn Road	Barn Road, Congleton, CW12 1LR	No	Yes	No	No	No	Yes	Yes	No	No	No

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<u>Site</u>	<u>Address</u>	<u>Council Owned</u>	<b>MATERIALS RECYCLED</b>								
			<u>Paper</u>	<u>Glass</u>	<u>Plastic</u>	<u>Cans</u>	<u>Textiles</u>	<u>Shoes</u>	<u>Books</u>	<u>Oil</u>	<u>WEEE</u>
Late Shop, St. Johns Road	St. Johns Road, Congleton, CW12 2AW	No	Yes	No	No	Yes	No	No	No	No	No
Congleton Household Waste Recycling Centre	Barn Road, Congleton, CW12 1LJ	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
Asda (Crewe)	Victoria Centre, Town Centre, Crewe, CW1 2PT	No	Yes	No	No	Yes	Yes	Yes	Yes	No	No
B&Q Superstore	Weston Road, Crewe, CW1 6BA	No	Yes	No	No	Yes	No	Yes	No	No	No
Christchurch Law Court (Is this Crewe County Courts)	Civic Centre, Crewe, CW1 2DP	Yes	No	No	No	No	No	Yes	Yes	No	No
Coppenhall Working Men's Club	103 North Street, Coppenhall, Crewe, CW1 4NJ	No	Yes	No	No	No	No	No	No	No	No
Crewe Hall	Weston Road, Crewe, CW1 6UZ	No	Yes	No	No	No	No	No	No	No	No
Davenport Avenue	Davenport Avenue, Crewe, CW2 6LG		Yes	No	No	Yes	No	Yes	Yes	No	No
Delamere Street	Delamere Street, Crewe, CW1 2HT	Yes	No	No	No	No	No	Yes	Yes	No	No
Eight Farmers (Pub)	Parkers Road, Crewe, CW1 4PY	No	Yes	No	No	Yes	Yes	No	No	No	No
Flying Lady (Pub)	Coleridge Way, Crewe, CW1 5LE	No	Yes	No	No	No	No	No	No	No	No
Leighton Hospital	Middlewich Road, CW1 4QJ	No	Yes	No	No	Yes	No	No	No	No	No
Limelight Club	Hightown, Crewe, CW1 3BP	No	Yes	No	No	No	No	No	No	No	No
Manchester Metropolitan University	Crewe Campus, Crewe Green Road, Crewe, CW1 5DU	No	Yes	No	No	Yes	No	No	No	No	No
Morrisons	Dunwoody Way, Crewe, CW1 3AW	No	Yes	No	No	Yes	No	Yes	No	No	No
Pedley Street Car Park	Pedley Street, Crewe, CW2 7AA	No	Yes	No	No	Yes	No	Yes	No	No	No

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<u>Site</u>	<u>Address</u>	<u>Council Owned</u>	<b>MATERIALS RECYCLED</b>								
			<u>Paper</u>	<u>Glass</u>	<u>Plastic</u>	<u>Cans</u>	<u>Textiles</u>	<u>Shoes</u>	<u>Books</u>	<u>Oil</u>	<u>WEEE</u>
Crewe Household Waste Recycle Centre	Pyms Lane, Crewe, CW1 3PJ	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
Sydney Arms Public House	240 Sydney Road, Crewe, CW1 5LU	No	Yes	No	No	No	No	No	No	No	No
Tesco	Vernon Road, Crewe	No	Yes	No	No	No	No	No	No	No	No
Knutsford Leisure Centre	Westfield Drive, Knutsford, WA16 0BL	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Knutsford Household Waste Recycle Centre	Mobberley Road, Knutsford, WA16 8HT	Yes	No	No	No	No	Yes	Yes	No	Yes	No
Goostrey Rail Station	Station Road, Goostrey, Cheshire, CW4 8PJ	No	Yes	No	No	Yes	Yes	Yes	No	No	No
Waterloo Road Car Park	Waterloo Road, Haslington, Crewe, CW1 5TF	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Macclesfield Household Waste Recycling Centre	Danes Moss, Congleton Road, Macclesfield, Cheshire, SK11 9QP	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Tesco (Macclesfield)	Hibel Road, Macclesfield, Cheshire, SK10 2AB	No	Yes	No	No	No	Yes	Yes	Yes	No	No
Duke Street Car Park	Duke Street, Macclesfield, Cheshire, SK11 6UR	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Sainsburys (Macclesfield)	Cumberland Street, Macclesfield, Cheshire, SK10 1DD	No	Yes	No	No	No	Yes	No	No	No	No
The Civic Hall	Civic Way, Middlewich, Cheshire, CW10 9AS	Yes	No	No	No	No	Yes	Yes	No	No	No
Golden Lion	91 Chester Road, Middlewich, Cheshire, CW10 9ET	No	No	No	No	No	Yes	No	No	No	No
Middlewich Household Waste Recycling Centre	Croxton Lane, Middlewich, CW10 9EZ	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
The Cheshire Cheese Pun	Crewe Road, Nantwich, Cheshire, CW5 6JD	No	Yes	No	No	No	No	No	No	No	No
Civic Hall Car Park	4 Market Street, Nantwich, Cheshire, CW5 5DG	Yes	No	No	No	No	Yes	Yes	Yes	No	No



## Appendix 1: Full List of Recycle Bank Sites and Materials Collected

<u>Site</u>	<u>Address</u>	<u>Council Owned</u>	<b>MATERIALS RECYCLED</b>								
			<u>Paper</u>	<u>Glass</u>	<u>Plastic</u>	<u>Cans</u>	<u>Textiles</u>	<u>Shoes</u>	<u>Books</u>	<u>Oil</u>	<u>WEEE</u>
Love Lane Car Park	Love Lane, Nantwich, Cheshire, CW5 5BH	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Morrisons	Station Road, Nantwich, Cheshire, CW5 5SP	No	Yes	No	No	Yes	Yes	Yes	Yes	No	No
Regents Theological College	London Road, Nantwich, Cheshire, CW5 6LW	No	Yes	No	No	Yes	No	No	No	No	No
Rifleman (Pub)	James Hall Street, Nantwich, Cheshire, CW5 5QE	No	Yes	No	No	Yes	No	No	No	No	No
Sainsburys (Nantwich)	Middlewich Road, Nantwich, Cheshire, CW5 6PH	No	Yes	No	No	Yes	Yes	Yes	Yes	No	No
Land at Shrewbirdge Road	Adj 98 Shrewbridge Road, Nantwich, Cheshire, CW5 7AA	No	Yes	No	No	No	No	Yes	No	No	No
Snowhill Car Park	Wall Lane, Nantwich, Cheshire, CW5 5LS	Yes	No	No	No	No	Yes	No	Yes	No	No
Leopard (The)	33 London Road, Nantwich, Cheshire, CW5 6LJ	No	No	No	No	No	Yes	No	No	No	No
Arclid Household Waste Recycling Centre	Davenport Lane, Arclid, Cheshire, CW11 2SR	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes
Romping Donkey	Hassall Green, Sandbach, Cheshire, CW11 4YA	No	Yes	No	No	No	No	No	No	No	No
Broughton Arms	Rode Heath, Sandbach, Cheshire, ST7 3RU	No	Yes	No	No	Yes	No	Yes	No	No	No
Chelford Farm Supplies	Knutsford Road, Chelford, Cheshire, SK11 9AS	No	No	No	No	No	Yes	No	No	No	No
Tesco	Kiln Croft Lane, Handforth, Cheshire, SK9 3PA	No	Yes	No	No	No	Yes	Yes	Yes	No	No
Poynton Household Waste Recycling Centre	Anson Road, Poynton, Cheshire, SK12 1TD	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Wilmslow Leisure Centre	Broadway Meadow, Wilmslow, Cheshire, SK9 1BU	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Tollemache Arms	Alprham Green, Alprham, Tarportley, Cheshire, CW6 9JE	No	Yes	No	No	Yes	No	No	No	No	No

## Appendix 1: Full List of Recycle Bank Sites and Materials Collected

<u>Site</u>	<u>Address</u>	<u>Council Owned</u>	<b>MATERIALS RECYCLED</b>								
			<u>Paper</u>	<u>Glass</u>	<u>Plastic</u>	<u>Cans</u>	<u>Textiles</u>	<u>Shoes</u>	<u>Books</u>	<u>Oil</u>	<u>WEEE</u>
Castle Farm	Cholmondley, Malpas, Cheshire, S&14 8AQ	No	Yes	No	No	Yes	No	No	No	No	No
Badger (The)	Ashbank, Bungalow, Nantwich Road, Nantwich, Cheshire, CW5 6DY	No	Yes	No	No	No	No	No	No	No	No
Bears Paw	School Lane, Warmingham, Sandbach, Cheshire, CW11 3QN	No	Yes	No	No	No	No	No	No	No	No
Willaston Social Club	7 Willaston Road, Nantwich, Cheshire, CW5 6PU	No	Yes	No	No	No	No	No	No	No	No
Royal Oak	94 Main Road, Worleston, Nantwich, Cheshire, CW5 6DN	No	No	No	No	Yes	No	No	No	No	No
Wrenbury Post Office	61 Nantwich Road, Wrenbury, Nantwich, Cheshire, CW5 8EW	No	No	No	No	Yes	No	No	No	No	No
The Commons	Sandbach, Cheshire, CW11 1FJ	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Somerfield	Lawton Way, Sandbach, Cheshire, CW11 1TF	No	Yes	No	No	Yes	Yes	Yes	No	No	No
Waitrose	Flat Lane, Sandbach, Cheshire, CW11 4BE	No	Yes	No	No	Yes	Yes	Yes	No	No	No
Vine Pub	Rope LANE, Shavington, Crewe, Cheshire, CW2 5DT	No	No	No	No	No	Yes	No	No	No	No
Joseph Heler Cheese	Laurels Farm, Crewe Road, Nantwich, Cheshire, CW5 7PE	No	Yes	No	No	No	No	No	No	No	No
Red Lion Inn	Main Road, Wybunbury, Nantwich, Cheshire, CW5 7NA	No	Yes	No	No	No	No	No	No	No	No

## Appendix 2: Household Waste Recycling Centres (HWRCs) (not affected)

<u>Site</u>	<u>Address</u>	<u>Paper</u>	<u>Glass</u>	<u>Plastic</u>	<u>Cans</u>	<u>Textiles</u>	<u>Shoes</u>	<u>Books</u>	<u>Oil</u>	<u>WEEE</u>
Alsager Household Waste Recycling Centre	Hassall Road Household Waste Recycling Centre, Hassall Road, Alsager, ST7 2SJ	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Bollington Household Waste Recycling Centre	Albert Road, Bollington, SK10 5HW	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Congleton Household Waste Recycling Centre	Barn Road, Congleton, CW12 1LJ	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Crewe Household Waste Recycle Centre	Pyms Lane, Crewe, CW1 3PJ	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Knutsford Household Waste Recycle Centre	Mobberley Road, Knutsford, WA16 8HT	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Macclesfield Household Waste Recycling Centre	Danes Moss, Congleton Road, Macclesfield, Cheshire, SK11 9QP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Middlewich Household Waste Recycling Centre	Croxton Lane, Middlewich, CW10 9EZ	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Arclid Household Waste Recycling Centre	Davenport Lane, Arclid, Cheshire, CW11 2SR	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Poynton Household Waste Recycling Centre	Anson Road, Poynton, Cheshire, SK12 1TD	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

### Appendix 3: :Annual Cost Projection per Material Based on Current Arrangements

Recycling Banks Budget 2012-13 & Options Review				
		2011-12 Actual £'000	2012-13 Budget £'000	Proposal Annual Impact £'000
<b>Expenditure</b>				
Staffing - Driver + Loader	Crewe & Nantwich	5	5	5
Transport - RCV Costs	Crewe & Nantwich	30	48	30
<b>In-house Costs</b>		<b>35</b>	<b>53</b>	<b>35</b>
<b>Supplies &amp; Services</b>				
- Glass Recycling UK (Empty Glass Banks & Haulage of mixed glass)	Crewe & Congleton	12		-
- Palm Recycling (Empty of Paper Banks) - no chg from Mid 2011	Macclesfield & Cong	4	33	-
- Recresco Ltd (Empty of Plastic Banks) - Haulage chg not tonnage	Macclesfield & Cong	48		-
- Solidcast (Empty of Ali Can Banks) - Haulage chg not tonnage	Macclesfield	4		-
<b>External Costs</b>		<b>68</b>	<b>33</b>	<b>-</b>
<b>Total Expenditure</b>		<b>103</b>	<b>86</b>	<b>35</b>
<b>Income</b>				
- Glass - Glass Recycling UK	Crewe & Nantwich	(26)	(15)	-
- Paper Banks Income (via UPM)	Macclesfield & Cong	(3)	(3)	(3)
- Textiles - Black Country Rag Co LTD	All	(7)	(7)	(7)
<b>Total Income</b>		<b>(36)</b>	<b>(25)</b>	<b>(10)</b>
<b>Net Cost of Recycling Banks</b>		<b>67</b>	<b>61</b>	<b>25</b>
<b>Net impact of Proposal: (Saving) against 2012-13 Budget</b>				<b>(36)</b>
Notes:				
1. Glass in Macclesfield Area collected at Kerbside previously				
2. In house team has previously collected glass from sites in the Crewe & Nantwich area - these are mainly private premises (Pubs, Clubs, hotels). As costs are only based on an allocation of time for both labour/vehicles no savings are forecast through either option.				
3. External contractor for paper banks ceased to charge for collections since May 2011				
4. Above figures reflect full year effect based on 2012-13 budget. The assumptions/forecasts included in the proposed service change are based on the options described in the report provided by the Waste & Recycling Service.				
5. The proposal includes plans to expand the material collected at remaining sites to include items not currently collected at the kerbside eg shoes, textiles. Whilst further additional savings should be achievable from landfill diversion through these changes, no information is currently available to quantify additional savings.				

## Appendix 4: Summary of Income Generated from Recycle bank Sites 2011

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
<b>Paper</b>	£394.80	£161.60	£439.20	£172.80	£323.60	£152.80	£230.00	£114.40	£160.00	£81.20	£240.40	£205.20	<b>£2,676.00</b>
<b>Textiles</b>	£573.40	£567.80	£312.60	£387.80	£586.20	£416.10	£347.40	£487.40	£777.40	£413.10	£646.00	£198.40	<b>£5,713.60</b>
													<b><u>£8,389.60</u></b>

## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Director of Finance & Business Services / Strategic Director, Places & Organisational Capacity
<b>Subject/Title:</b>	2012/2013 First Quarter Review of Performance
<b>Portfolio Holders:</b>	Cllr. Peter Raynes / Cllr. Barry Moran

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#### 1.0 Report Summary

- 1.1 Cheshire East is committed to continuous improvement and excellence in all that it influences and delivers. This report, attached as Annex 1, gives summary and detailed information about its financial and non-financial performance at the first quarter stage of 2012/2013, and requests approval to supplementary revenue and capital estimates and virements.
- 1.2 Section 1 of the report provides projections of service revenue financial performance for the 2012/2013 financial year. It focuses on the key financial pressures which the Council's services are facing and areas of high financial risk to the Council, and the remedial measures identified by services to mitigate these pressures. Key issues affecting services capital programmes are also reported.
- 1.3 Section 2 provides an update on the overall Financial Stability of the Council, including the positions on Grants, Council Tax and Business Rates, Treasury Management, Centrally held budgets, and the Management of the Council's Reserves.
- 1.4 Section 3 provides a summary of the key non-financial performance headlines for the year to date.

#### 2.0 Decision Requested

- 2.1 Cabinet is requested to note and comment as appropriate on the following issues:
  - the projected service revenue outturn positions (**Section 1**);
  - the overall financial stability of the Council, and the impact on the Council's general reserves position (**Section 2**) ;
  - the Council's invoiced debt position (**Appendix 3**);
  - the delivery of the overall capital programme, and budget adjustments within programme blocks (**Section 2, paragraphs 98 to 103 and Appendices 4 and 5**);
  - note the service performance successes achieved during the first quarter of 2012/2013, and consider issues raised in relation to

underperformance against targets and how these will be addressed  
(**Section 3**).

2.2 Cabinet is requested to approve the following:

- Supplementary Capital Estimates and virement requests over £100,000 and up to and including £1,000,000 (**Appendix 6**);
- Supplementary Revenue Estimates for additional expenditure fully funded from grants (**Section 2, paragraph 86 and Appendix 2**).

2.3 Cabinet is requested to ask Council to approve the following:

- a Supplementary Capital Estimate/Virement request over £1,000,000 (**Appendix 7**).

### **3.0 Reasons for Recommendations**

3.1 The Council is committed to high standards of achievement and continuing improvement. Performance information plays a vital role in ensuring that the Council celebrates its achievements, understands its performance in key areas and addresses issues of under performance. The Council and partners have identified a series of improvement measures to support outcomes for local people as outlined in the priorities and objectives of the Sustainable Community Strategy.

3.2 In accordance with good practice, Members should receive a quarterly report on the financial performance of the Council. Finance Procedure Rules set out the requirements for financial approvals by Members, and relevant recommendations are contained in this report.

### **4.0 Wards Affected**

4.1 All

### **5.0 Local Ward Members**

5.1 All

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

6.1 Performance management supports delivery of all key Council policies including carbon reduction and health. The projected outturn position, ongoing impacts in future years, and the impact on general reserves will be fed into the assumptions underpinning the 2013/2014 Financial Scenario and Business Planning process.

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

- 7.1 The Council's financial resources are aligned to its priorities and used to deliver priority outcomes for local communities. Monitoring performance helps ensure that resources are used effectively and that business planning and financial decision making are made in the context of performance.

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

- 8.1 Although the Council will no longer be required to report to Government on its performance against measures in the National Indicator Set, monitoring and reporting on performance is essential if decision-makers and the public are to be assured of adequate progress against declared plans and targets.

## **9.0 Risk Management**

- 9.1 Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2012/2013 budget and the level of general reserves will be factored into the 2013/2014 Financial Scenario and Budget, and Reserves Strategy.
- 9.2 Performance and risk management are part of the key management processes of the Authority. Risks are captured both in terms of the risk of underperforming and the risk to the Council in not delivering its ambitions for the community of Cheshire East.

## **10.0 Background**

- 10.1 Our vision, corporate plans, financial allocations, democratic and organisational structures are all designed to help us achieve the outcomes that matter to the people of Cheshire East. Performance reporting and a focus on improvement are fundamental to achieving our long term ambitions. The report reflects a developing framework to embed performance management culture throughout the organisation.

## **11.0 Access to Information**

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

Name: Lisa Quinn / John Nicholson  
Designation: Director of Finance & Business Services / Strategic Director,  
Places & Organisational Capacity  
Tel No: 01270 686628 / 01270 686611  
Email:  
[lisa.quinn@cheshireeast.gov.uk](mailto:lisa.quinn@cheshireeast.gov.uk)/[john.nicholson@cheshireeast.gov.uk](mailto:john.nicholson@cheshireeast.gov.uk)



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# **First Quarter Review of Performance 2012 / 2013**

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**August 2012**



# Introduction

As part of the annual performance reporting framework set out in the Finance and Contract Procedure Rules, regular reports are required to be published. The Council is committed to high standards of achievement and continuing improvement. The report reflects a developing framework to embed performance management culture throughout the organisation.

The report provides an update of the Council's financial and non-financial performance at the first quarter stage of 2012/2013, and also seeks Member approval to Supplementary Revenue and Capital Estimates and Virements. An overview and summary financial table are provided at the beginning of the report.

**Section 1** of the report provides projections of service revenue financial performance for the 2012/2013 financial year. It focuses on the key financial pressures which the Council's services are facing, areas of high financial risk to the Council, and the remedial measures identified by services to mitigate these pressures. Key issues affecting service capital schemes are also reported.

The figures included in this section reflect the original Business Plan adjusted for Supplementary Estimates and Virements, including those requested in the report. These updated budget figures will be reflected in Version 2 of the Budget Book which will be published shortly.

**Section 2** provides an update on the overall Financial Stability of the Council, including the positions on Grants received, Council Tax and Business Rates, Treasury Management, Centrally held budgets, and the Management of the Council's Reserves.

**Section 3** provides a summary of the key non financial performance headlines for the year to date.

Appendices are provided as follows:-

- **Appendix 1** provides explanations of changes to the Revenue Budget agreed at Council in February 2012 which have been authorised or require authorisation via this quarterly report.
- **Appendix 2** lists requests for Supplementary Revenue Estimates funded from additional grant.
- **Appendix 3** analyses the position on Outstanding Debt.
- **Appendix 4** summarises the Capital programme and its funding.
- **Appendix 5** lists capital budget adjustments to be noted.
- **Appendix 6** lists requests for Supplementary Capital Estimates and Virements up to £1m.
- **Appendix 7** details a request for a Supplementary Capital Estimate of over £1m.
- **Appendix 8** shows the latest position on the Corporate Grants register.
- **Appendix 9** provides details of Treasury Management investments.
- **Appendix 10** details progress against Performance Indicators.

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# 2012/2013 Forecast Financial Position - First Quarter Review

2012/2013 - First Quarter Review	Revised Net Budget	Emerging Pressures	Remedial Measures Identified to Date	Current Forecast Variance	For further information please see:
	£m	£m	£m	£m	
<b>DIRECTORATES</b>					
Children & Families	59.0	4.9	(4.1)	0.8	Section 1, Paragraphs 2-10
Adults	98.6	11.4	(7.3)	4.1	Section 1, Paragraphs 17-35
Places & Organisational Capacity	76.7	5.2	(2.9)	2.3	Section 1, Paragraphs 40-59
Corporate Services	26.2	0.8	(0.3)	0.5	Section 1, Paragraphs 67-79
<b>TOTAL: Directorates</b>	<b>260.5</b>	<b>22.3</b>	<b>(14.6)</b>	<b>7.7</b>	
<b>CENTRAL BUDGETS</b>					
Specific Grants	(41.5)	(0.2)		(0.2)	Section 2, Paragraph 86
Capital Financing	14.8	(0.3)		(0.3)	Section 2, Paragraphs 104-105
Contingencies	5.2			0	Section 2, Paragraph 109
<b>TOTAL: Central Budgets</b>	<b>(21.5)</b>	<b>(0.5)</b>	<b>0</b>	<b>(0.5)</b>	
<b>TOTAL</b>	<b>239.0</b>	<b>21.8</b>	<b>(14.6)</b>	<b>7.2</b>	

	Planned Contribution – 2012/2013 Budget	Forecast Variance @ Quarter 1	Impact on reserves – Quarter 1 Forecast	
	£m	£m	£m	
<b>Impact on Reserves</b>	<b>7.3</b>	<b>(7.2)</b>	<b>0.1</b>	Section 2, Paragraph 111
<b>General Reserves Balance</b>	<b>2012/2013 Budget</b>	<b>Quarter 1 Forecast</b>		
	£m	£m		
	Estimated			
Opening Balance April 2012	13.2	11.4	Actual	} Section 2, Paragraphs 112-115
2012/2013 Impact on Reserves (see above)	7.6	0.1	Forecast	
Closing Balance March 2013	20.8	11.5	Forecast	

# Overview

The following key points provide an overview of the First Quarter Review position. The Revenue and Reserves positions below are linked to the preceding table.

## Revenue

- Overall Directorate revenue spending is forecast to exceed budget by £7.7m (3%).
- Services face emerging pressures totalling £22.3m, and to date have identified £14.6m of remedial mitigation.
- Demand led service pressures applying across directorates include:-
  - § **Children & Families** - Care costs £3m; Social Care staffing £0.6m; Unachievable transport savings £1.1m
  - § **Adults** - Learning Disability Pooled Budget - Health Network and Nursing/ Residential contracts
  - § **Places & Organisational Capacity** - Waste £1.5m; Community £1.3m; Development £1.5m
  - § **Corporate Services** - ICT, Finance & HR Shared Services £0.7m
- Central Budgets – a £0.3m saving has arisen from a reduction in interest charges and debt repayment costs.

Portfolio Holders and Chief Officers will strive to identify further remedial action to mitigate the £7.7m forecast overspend. Progress will be reported at the Mid Year Review.

## Reserves

- The forecast net deficit impacting on general reserves (after

approved allocations) is £7.2m.

- The 2012/2013 Business Plan was balanced, and provided for a contribution of £7.6m to balances to meet medium term strategic requirements. At Quarter 1 reserves are forecast to increase by £0.1m to £11.5m.

## Capital

- The original budget for 2012/2013 of £83.8m has been revised to £81.7m after allowing for rephasing of slippage from 2011/2012, and other approvals sought at First Quarter.
- The programme is currently under a comprehensive review with the intention of making substantial savings and focusing delivery capacity on initiatives with the highest priority. Commissioning of new starts is being carefully managed pending the outcome of this review. The revised programme will be reported to Cabinet at the Mid Year Review.

## Debt

- Total outstanding Debt (excluding local taxation) is £4.5m, of which £2.8m is over 6 months old. A bad debt provision of £2.5m is available to meet potential write-offs.

## Financial Stability

- c. 99% of Council Tax and Business Rates are collected within 3 years.
- Investment income is slightly lower than budgeted, although average interest rate earned on investments (0.6%) was in line with London Inter Bank 7 day rate.

## Performance

- At the end of the First Quarter, 56.5% of service performance indicators are on target or exceeding their target.

# 1. Directorate Financial Summary

## Introduction

1. This section provides details of the key revenue and capital issues emerging from the first quarter review. It highlights the main budget pressures faced by the Council, and remedial actions proposed to mitigate these pressures.

## Children and Families

2. The service has a net budget of £59m, excluding Dedicated Schools Grant (DSG). **Table 1** highlights that emerging pressures of £4.9m have been identified. Remedial action of £4.1m has been identified which will reduce the net forecast position to £0.8m base budget overspent. DSG is shown separately later.

**Table 1 – Children and Families**

	REVENUE				Paragraph Number(s)
	Revised Net Budget	Emerging Pressures	Remedial Measures Identified to Date	Current Forecast Variance	
	£000	£000	£000	£000	
<b>Children &amp; Families</b>					
Directorate	762	0	-238	-238	
Safeguarding & Specialist Support	26,535	3,859	-500	3,359	3-7
Early Intervention & Prevention	11,906	0	-2,400	-2,400	8
Strategy, Planning & Performance	19,139	1,028	-942	86	9
Cost of Investment	650	0	0	0	
	<b>58,992</b>	<b>4,887</b>	<b>-4,080</b>	<b>807</b>	

Note: This table excludes DSG

## Key Revenue Issues

### Safeguarding and Specialist Support (SSS)

3. The external placements budget is projected to overspend by £3.2m, despite proactive intervention strategies and increasingly robust gate-keeping measures which have stabilised the overall number of Cared for Children (CFC) at around 434. Costs are however, forecast to rise as tighter gate-keeping means that whilst fewer children are coming into care those that do will tend to have more complex, higher costs needs. The position is exacerbated by the shortage of foster care provision in the borough which increases reliance on high costs out of borough placements and external foster agencies.
4. The challenge for the service lies in the management of these external arrangements and ensuring the balance is maintained between providing a safe yet cost effective statutory service for children who need to be in our care whilst avoiding children reaching crisis and maintaining them at home wherever possible through appropriately managed and risk assessed child protection plans.
5. The three staffing areas in SSS (Children in Need/Child Protection, Children's Assessment Team and 16+/Cared For Support ) are currently forecasting an overspend of £672,000. These teams are currently relying on agency staff, while permanent staff are being recruited, and qualified Social Work agency staff cost considerably more than permanent staff.
6. The service has had an ongoing recruitment campaign to recruit qualified social workers, however, competition remains strong



among neighbouring Authorities for experienced staff, resulting inevitably in some amount of turnover. Any delays in recruiting permanent staff will cause additional pressure on the budget, as the current forecast assumes people will be in post in October.

7. The underlying level of spend on care costs for Children and Families is not sustainable. The service recognises that further efforts can now be made to reduce the numbers of children in care, and that the focus has to be on preventing any more children coming into care through early intervention and prevention. However this is a long term plan, and in the short term, managed underspends in Early Intervention and Prevention are being used to offset the spend on care costs.

### Early Intervention and Prevention

8. Underspends of £2.4m will be achieved through rigorous vacancy management and the cessation of activities such as plans for externally commissioned contracts for the Targeted Youth and Early Intervention service. Curtailing investment in this area as a mitigating action can build risk for the service in terms of reducing capacity to intervene early to prevent issues within families escalating to require high cost statutory interventions, and additionally risks in respect of future inspections by OFSTED where the 'early offer' of help is seen to be a key requirement.

### Strategy, Planning & Performance

9. The challenge for this service comes from the budget saving required from Home to School Transport arrangements, set at £1.1m in the budget book. The current service is under pressure to deliver this saving, and have identified the main areas from where additional savings could be made. Detailed action plans have been developed outlining how the savings will be achieved and monitored during the year.

### Remedial Actions

10. A remedial action plan has been developed, with a current estimate that £4.1m will be delivered throughout the remainder of the year helping to reduce the estimated net forecast overspend to £1m. The actions have been risk assessed to identify those where further consideration is needed to help deliver the savings required. Close monitoring of the plan will be required to assess the deliverability and potential to either increase or decrease the impact of the remedial measures.

### Capital

11. The Children and Families capital programme has a projected spend of £18m in 2012/2013 and is funded through a combination of external contributions (including grants) and borrowing.
12. There are a number of major projects relating to schools which are currently being progressed through the planning stages and actual works will now commence in 2013/2014.
13. The capital funding requirements for schools is funded via specific DSG capital grants. The funding is utilised flexibly and moved to those areas where spending is planned and required during the year. The specialist school planned at the Church Lawton School site will not start building until 2013/2014, and available funds of £1.3m will be vired to the Asset Management Service block to cover maintenance work required across the schools programme. Details of the virement request are provided in **Appendix 6**.
14. It is anticipated that forecasts will be revised for the mid-year review due to more up to date projected spend information (i.e. as a number of school related capital projects start during the school holidays).

## Dedicated Schools Grant (DSG)

**Table 2 – Dedicated Schools Grant**

	REVENUE				Paragraph Number(s)
	Revised Net Budget	Emerging Pressures	Remedial Measures Identified to Date	Current Forecast Variance	
	£000	£000	£000	£000	
<b>Schools Grant Funded including DSG</b>					
Strategy, Planning & Performance - DSG	0	3,833	-300	3,533	15-16
Schools (Individual School Budgets)	0	0	0	0	
Other Schools Provision	0	0	0	0	
Pupil Premium	0	0	0	0	
	<b>0</b>	<b>3,833</b>	<b>-300</b>	<b>3,533</b>	

15. **Table 2** above shows that total pressures on DSG for 2012/2013 are currently £3.8m. The DSG overspend of £1.5m from 2011/2012 has been carried forward into 2012/2013. At the end of 2011/2012, the review of the Social Care placements identified several placements which should have been jointly funded with Education. These costs were transferred to DSG, resulting in an overspend. The continuation of these placements means that there is a further emerging pressure on DSG of £2.2m for 2012/2013. Additionally ongoing requests from schools for additional special educational needs resources linked to individual pupils continues to put this budget under pressures. Finally, a further pressure has been identified of £127,000 in relation to uptake of entitlement within the Private, Voluntary and Independent sector.

16. Remedial actions are being developed within the DSG funded service. Offsetting measures of £0.3m have been identified so far, which reduces the pressures on DSG to £3.5m. However, this overspend must be controlled, and far-reaching mitigating actions need to be put in place immediately by the service.

## Adults

17. The Adults Service has a net budget of £98.6m, (including £6.2m that has been transferred to the Council by the Department of Health linked to the Learning Disability, Valuing People Now Transfer) with **Table 3** providing a summary of the emerging pressures position of £11.4m. Remedial action of £7.3m has been identified which will reduce the net forecast position to an estimated £4.1m overspend.

**Table 3 – Adults**

	REVENUE				Paragraph Number(s)
	Revised Net Budget	Emerging Pressures	Remedial Measures Identified to Date	Current Forecast Variance	
	£000	£000	£000	£000	
<b>Adults</b>					
Care4CE	0	383	-575	-192	
Strategic Commissioning	36,085	3,200	-450	2,750	20-23
Business Management and Challenge	3,034	170	-400	-230	
Individual Commissioning	58,851	7,643	-5,575	2,068	24-28
Cost of Investment	650	0	-300	-300	
	<b>98,620</b>	<b>11,396</b>	<b>-7,300</b>	<b>4,096</b>	<b>29-35</b>

## Key Revenue Issues

18. The Adults Service continue to face extreme budget pressures in relation to care costs, this is a combination of inherent budget pressures from 2011/2012 and historic contract arrangements that the Council is party to (e.g. Learning Disability Health Contracts).

19. Whilst there has been some growth in the number of new customers entering services (some have been high cost placements), the service is maintaining steady customer numbers,

although there is evidence that the complexity of need is resulting in continuing increases in costs for those in receipt of Council care.

### **Strategic Commissioning**

20. Health contracts providing supported living for customers with Learning Disabilities (within the Learning Disability pooled budget) are presenting a pressure of £2.2m. The providers supporting the delivery of the health contracts are expected to review staff terms and conditions, however, apart from one provider, limited progress has been made and there has been no reduction in the rates that the Council pays.
21. The Secure Commissioning contract with Cheshire and Wirral Partnership within the Learning Disability Pooled budget has a budget pressure of £0.2m. Commissioners are aiming to work with Cheshire and Wirral Partnership to understand and reduce this overspend.
22. The Service had £0.8m of unallocated savings target remaining from earlier years to achieve, £0.2m is expected to be delivered in 2012/2013 through remedial action. The full year effect of this target will be achieved in 2013/2014 through a review of existing contracts that cannot be adjusted in 2012/2013 as they are already fully committed.
23. An independent review of the fee rates paid to nursing and residential care providers and the associated contractual framework has been commissioned as part of the Local Government Association and Association of Directors of Social Services national Efficiency Programme. The commission has been awarded to the consultants Red Quadrant who are progressing with the review aiming to deliver the outcomes in September / October 2012. The Council has not increased fees to providers since April 2010 and the current forecast variance assumes no change to the existing rates paid to providers. Another

element of the review being undertaken by Red Quadrant is to assess the actions and measures being considered across the service against best practice elsewhere, aiming to identify any potential areas for further exploration by the Council. This element of the report is anticipated to be completed over the coming few weeks, with a report being available in early September.

### **Individual Commissioning**

24. The permanent care cost pressures of £5.5m identified in 2011/2012 which were alleviated by the application of temporary funding continue to present an ongoing pressure in 2012/2013. This is before any new 2012/2013 growth pressures have been factored in. The service is seeking to contain the forecast overspend by using proactive measures to manage demand for care and analysing the costs associated with increasingly complex care packages.
25. Pressures are also arising as a result of people choosing to self fund in residential & nursing settings and then running out of money which results in costs falling to the Council. Initial research indicates this increases overall costs as self funders tend to opt for higher levels of care, and at an earlier stage, than the Council would recommend, given the range of pre-admission options available. However, the service continues to work to minimise the impact of returning self funders, successfully managing to retain costs within the contractual rates offered by the Council.
26. The delivery of the transport savings in relation to de-commissioning the transport fleet are no longer expected to be achieved in 2012/2013 due to a withdrawal from the market of a key provider who would have offered alternative support to users. This is creating an initial pressure of £0.5m, which is currently being reviewed to see what potential mitigation is possible.

27. Whilst all policy saving targets have been allocated, the full year effect of some of these initiatives will not be delivered until 2013/2014 (i.e. due to contractual agreements, need for building alterations etc).
28. In 2011/2012 the service held a number of staff vacancies and key management positions were not factored into the service structure. The staffing structure has been reviewed in 2012/2013 and the base staff budget has been increased to not only reflect the base position required to fund the overall structure but also to reflect the managerial input required to reduce the likelihood of judicial review (the Council were subject to a number of challenges in 2011/2012) and to increase the number of front line workers.
29. The overall and continuing gross pressure being experienced across the Adults Service is not financially sustainable for the Council. Numbers of service users have remained broadly constant for a number of months; the challenge is therefore to maintain this position whilst better controlling the costs, be that through better management of the impact of increasing complexity, or through rationalising the contractual and commissioned arrangements. Recognising this, the Service have commissioned via the consultants Red Quadrant, an external review of the policy options that the service are working towards identifying whether they are achievable and also to advise of other potential areas to review.
30. The aim of the review activity is to focus on quick wins in the short term, whilst developing options for the medium and long term. This may involve focussing on particular areas to solve specific issues such as the absence of a framework contract with established rates. Alongside this, an independent review of the current care cost structure is being carried out to ascertain whether the current care prices paid to providers are reasonable.
31. In addition, Red Quadrant are helping to facilitate participation in a number of multi council working groups who are sharing initiatives and data. Through this joint working, the Council is benchmarking itself alongside other councils helping to identify those areas where best practice can be adopted.
32. The remedial action for the Service is primarily focused on continuing to control the flow of new care clients whilst maintaining and delivering statutory services; reviewing commissioned contracts with providers; and completing existing customer reviews to ensure that they are meeting outcomes.
33. The Council has sought to maximise the use of Care4CE during the year and has made significant progress in increasing the occupancy and usage of the facilities provided. The remedial action plan assumes that this action will be continued and increased resulting in an overall underspend being anticipated across Care4CE.
34. In the longer term, a fundamental review of key contracts (learning disability; mental health; and personal support contracts) is expected to ensure that the service have negotiated the best possible value for the Council.
35. A remedial action plan has been agreed and risk assessed with the Adults Heads of Service and the £7.3m of remedial action savings are expected to be delivered. The aim is to continue to monitor the delivery of the action plan throughout the remainder of the financial year, reporting on progress at regular intervals and where possible identifying where either additional mitigation might be possible, reducing the risk and deliverability of those actions that have been assessed as higher risk and reporting where delivery might not be possible.

#### Capital

36. The main capital developments within Adults include a replacement ICT system for the Children, Families and Adults service and the buildings investment budget.
37. The service has received a capital allocation of £764,385 from the Department of Health for Personal Social Services and this will be used as additional funding for the ICT system replacement.
38. The main procurement and implementation activity for the system replacement is planned to take place in 2013/2014.
39. An allocation of £456,000 has been made from the ICT budget provision to fund Careworks which provides a solution to capture and manage forms, i.e., assessment, care and support plans within a multiple agency working environment. Details of the virement request are provided in **Appendix 6**.

#### Places & Organisational Capacity Directorate

40. **Table 4** below shows that the Places & Organisational Capacity Directorate is reporting emerging pressures totalling £5.2m. To offset this pressure the Directorate has so far identified a series of remedial actions of £2.8m to bring the overall net pressure down to £2.3m.

**Table 4 – Places & Organisational Capacity**

	REVENUE				Paragraph Number(s)
	Revised Net Budget	Emerging Pressures	Remedial Measures Identified to Date	Current Forecast Variance	
	£000	£000	£000	£000	
Waste, Recycling & Streetscape	25,529	1,510	-350	1,160	41-47
Highways & Transport	17,011	256	-585	-329	48-49
Community Services	133	1,296	-348	948	50-53
Development	22,201	1,480	-916	564	54-56
Performance, Customer Services & Capacity	9,749	148	-148	0	57-59
Cost of Investment	2,076	500	-500	0	
	<b>76,699</b>	<b>5,190</b>	<b>-2,847</b>	<b>2,343</b>	

#### Key Revenue Issues

#### Waste, Recycling and Streetscape

41. Waste & Recycling Collection core operational budgets are facing pressures totalling £570,000, attributable to £100,000 additional agency costs and £470,000 additional fleet costs (mainly short term hires). These pressures are forecast to continue into 2013/2014 to some degree; however in-year they are being offset in part by (£225,000) in vacancies across the Waste Strategy and the Joint Waste Teams.
42. The Waste Service is also facing a number of pressures from contract-related issues totalling £262,000 (net), as follows:
- The current bulking contract is forecast to cost £247,000 more than budget.
  - Additional haulage costs are being incurred on bank holidays in the north of the Borough. The forecast relay cost for 2012/2013 is £83,000.
  - Additional green waste contract haulage costs of £67,000 have been incurred under the contract and increased green waste

tonnages are putting a further £22,000 pressure on collection costs through additional crews, for 6 weeks.

43. The above gross contract pressures are being offset in-year by lower than budgeted waste disposal contract costs (£257,000 less, based on June data) as a consequence of reduced tonnages, following the implementation of new collection rounds in 2011/2012. However, the waste diversion policy saving is not achievable as planned, therefore the effect of the general reduction in tonnage is a net favourable variance of (£157,000), to help offset some of the £419,000 contract pressures described above.
44. In May 2012, agreement was made to harmonise terms and conditions on bank holiday working across the north and south teams. As a consequence, operatives in the north area have received a one-off buy-out of overtime allowances totalling £77,000. Also, following changes in terms relating to overtime and time off in lieu, there will be additional costs of £45,000 in 2012/2013 and approx £215,000 pa in future years.
45. A review of fuel usage in Waste and Streetscape indicates additional pressures in-year of approx. £232,000, due in part to usage/consumption, particularly in the Waste fleet, but also increased fuel prices.
46. Additional resources of £800,000 are estimated to be required to progress a Waste Procurement project (subject to approval), funded in part through net under-spends against 2012/2013 one-off investment items (£327,000) (e.g. deferral until 2013/2014 of the buy-out payment relating to termination of the automatic public convenience contracts); with the funding balance of £473,000 being offset by other remedial actions planned in the Directorate, as noted below.

47. Despite continued pressures facing the Service in year, potential remedial measures totalling £350,000 have been identified relating to reducing Waste Disposal contract costs through continued review / refinement of tonnage forecasts (note forecast will be clearer by mid-year review); and reducing waste fleet costs through a review of inefficient vehicles, with the aim of removing and replacing vehicles in-year, to reduce running and finance costs and the need for short term hires.

### **Highways and Transport**

48. The Transport service has reported net emerging pressures of £256,000, arising from a delay in the implementation of supported bus service cuts following public consultation, £250,000; restoring the concessionary free bus pass on non registered flexible transport, £75,000 part year effect (£100,000 full year effect); and unbudgeted production costs for the five-year replacement cards, £50,000. These cost pressures will be partly offset by in-year pay and non pay efficiency measures to reduce the budget pressure by (£119,000).
49. Remedial actions being considered include reviewing spend on supported bus services and bus shelter maintenance. In addition, further remedial actions have been proposed by Highways/PROW/Countryside through a review of the routine maintenance programme, to help mitigate the overall cost pressures.

### **Community Services**

50. The Car Parking Service is forecasting an adverse income variance of £529,000, due to continuing economic recessionary pressures and low customer demand. This is potentially an ongoing pressure that will carry into 2013/2014.

51. Pay pressures of £574,000 arise across the service due to the ongoing impact of pay harmonisation premium payments, the shortfall in base budget in the Leisure Service, CCTV overtime costs and Community Wardens' back-pay.

52. Further ongoing impacts attributable to non pay budgetary pressures totalling £182,000 relate to the costs of taxi licensing tests, plus unachievable business planning savings relating to the review of the Joint Use Centres core charges.

53. A series of remedial actions are proposed by the service totalling £348,000. These include changes to fees and charges (specifically in Licensing and Pest Control) and a proposed change in hours for the CCTV operation, further vacancy management and other non pay savings across the service.

### **Development Service**

54. The Development Management Service is forecasting favourable variances in pay budgets, from vacancy management, along with improved income estimates from search fees.

55. The Assets Service is undergoing significant changes, implementing the Corporate Landlord role and taking on the associated operational and budgetary responsibilities. A net variance of £1.8m is forecast in the report, reflecting several budget pressures (e.g. realisation of "asset challenge"/ disposal savings targets; holding costs of vacant properties; rates and energy costs; rent income budget shortfalls). However, there is some uncertainty regarding current forecasts, pending further work in respect of finalising transfers of budgets from other services and analysing spend/ income in detail; this work is well underway and will inform an update of estimates and action plans at Mid Year Review.

56. To reduce the forecast net pressure of £1.48m, a range of remedial measures (additional to already challenging target budget reductions) totalling £916,000 have been identified. These include further vacancy management across the service, combined with an increase in the capitalisation of staff time in Assets and other areas in Development (£425,000); mitigation of inflationary pressures on energy savings through an action plan for reduced consumption (£250,000); acceleration of the disposal of lower value properties to reduce premises cost pressures (£100,000); plus other planned reductions across non pay spend (£141,000).

### **Performance, Customer Services and Capacity**

57. Library Shared Services have emerging pressures of £118,000, resulting from planned budget savings which are no longer achievable. In addition, property costs of the shared building are expected to be overspent. This pressure is anticipated to continue in future years.

58. It is currently expected that £50,000 of the original £100,000 corporate Lean Review saving target will be achieved.

59. Whilst the above pressures facing the Service are expected to continue in future years, it is planned to mitigate in 2012/2013 through reducing the book fund spend by £48,000, saving £100,000 from further vacancy management across the wider Service (excluding Libraries) and continuing to identify savings from the Lean Review of other services.

### **Capital Programme – Key Issues**

#### **Waste, Recycling and Streetscape**

60. Bereavement Services - An options report for the replacement cremators at Crewe is currently being prepared; if the decision is

for replacement with traditional cremators then the £450,000 capital budget will now slip into 2013/2014.

## Development Services

61. The Town Regeneration & Development Scheme has been re-profiled to transfer £310,000 to 2013/2014, in relation to the Wilmslow Investment Framework project.
62. A Section 106 contribution related to Kershaw Mill, Macclesfield will be used to improve access to site by foot, cycle and public transport which shall comprise of upgrading of the bus stop on Bond Street in the vicinity of the site, the provision of cycle signage on routes to / from the site and the provision of uncontrolled pedestrian "dropped crossing" (including tactile paving) at junctions / accesses on highways within the vicinity of the site. A Supplementary Capital Estimate for £35,000 is included for approval in **Appendix 6**.
63. The Gypsy and Travellers Site project was granted approval at 23rd July Cabinet to progress the surveys which are required to identify alternative sites and progress work on the Temporary Stopping Place. The initial programme was based on the development of Parkers Road, Crewe, following the withdrawal of the site a position statement has been produced which outlines the Council's short term and long term approach to take the programme forward and identify an alternative site for development. The 2012/2013 budget has now been re-profiled to reflect spend of £130,000 in 2012/2013 and £410,000 in 2013/2014.
64. Tatton Vision - Phase 2 of the Farm Mill Development has commenced by employing a consultant to prepare a Heritage Lottery Funding bid to be completed by August 2012 and submitted to the HLF Board for a decision in November 2012. Should the decision move to providing a fully detailed specification

of the restoration, then some of the £900,000 lottery grant will be released. As a result of the time taken to work up the specification, it is expected that at this stage the £925,000 of the capital allocation for 2012/2013 will need to slip into 2013/2014.

65. Tatton Park Investment - The forecast outturn position for 2012/2013 has been revised to £400,000 and the remainder of the budget of £6.3m will now slip to 2013/2014. Planning Permission is now being sought.
66. Farms Strategy - An increase in the Capital Budget of £2.1m is requested (**Appendix 7**) to enable the delivery and management of the Farms Strategy. The project will identify core holdings for long term retention and will underpin strategic planning and estate management with the outcome of refining the profile of targeted receipts & expenditure. The plan will result in a marginally reduced estate, releasing 33 properties for disposal. In conjunction with rolled up surplus budget from prior years programmes this SCE request will fund the cost of amalgamations, disposals and of meeting regulatory requirements. The delivery of a revenue surplus and capital receipts from restructuring the estate provides a financially sustainable model for the improvement of the estate / service.



## Corporate Services

67. **Table 5** below shows that Corporate Services are reporting emerging pressures totalling £0.8m. To offset this pressure the Directorate has so far identified a series of remedial actions of £0.3m to bring the overall net pressure down to £0.6m.

**Table 5 – Corporate Services**

	REVENUE				Paragraph Number(s)
	Revised Net Budget	Emerging Pressures	Remedial Measures Identified to Date	Current Forecast Variance	
	£000	£000	£000	£000	
Finance & Business Services	17,001	563	-79	484	68-73
HR & OD	3,121	256	-124	132	74-76
Borough Solicitor	5,537	111	-51	60	77-79
Cost of Investment	555	-125	0	-125	
	<b>26,214</b>	<b>805</b>	<b>-254</b>	<b>551</b>	

## Finance & Business Services

68. The early forecasts provided by CWAC as host for Finance and HR Shared Services indicate an overall pressure of £274,000, of which an estimated £222,000 would be attributable to Finance. Capital investment in systems is providing improvements in functionality and will bring further efficiencies, alongside Services' compliance with best practice processes in business administration. There is continuing dialogue with Shared Services, regarding programmes of work to contain spending within budget and identifying other mitigating actions.
69. Further pressures within Finance continue through bank and credit card charges and external audit fees, however, some savings have been achieved in terms of bank charges, and further savings are

anticipated through the new external audit arrangements. Overall, from these items a net pressure of £12,000 is currently estimated. Remedial actions include holding vacancies and control of non pay spend.

70. Following a review of outturn for 2011/2012 and consideration of benefit subsidy levels realised, relative to benefit payments made, over the last couple of years, the current forecast in respect of the Benefits Service shows a favourable variance of £600,000 net, compared to budget.

## ICT Services

71. A budget pressure of £350,000 is recognised in relation to savings targets, principally in respect of disaster recovery and broadband network consolidation. The Service is looking to identify remedial actions to mitigate.
72. ICT Shared Services continue working on a third party spend review, staffing reductions and full cost recovery of income to deliver a balanced budget. An overspend in this year of £500,000 is currently forecast; however, all staffing reductions will be resolved in-year and vacancies will be reviewed and held where possible to help mitigate. In addition, there will be significant focus, involving engagement with Services, to switch off or replace systems; and a new Public Sector Network will be procured during 2012/2013, with partners.
73. Revenues, Procurement, Shared Services Manager, Internal Audit; and Insurance are forecasting net nil positions.

## HR & OD

74. The service has budget pressures this year of £164,000 relating to savings targets, and £40,000 in respect of a Redeployment Officer post previously funded through Invest to Save.

75. The Finance and HR Shared Service figures provided by CWAC as host indicate an overall reported pressure of £274,000, with an estimated £52,000 attributable to HR, inclusive of a non-achievable £25,000 savings target for the Employee Service Centre in respect of a single legal entity.

76. A number of mitigating items have been identified, totalling £124,000. These include additional income generated through the Health and Safety and HR Delivery CheSS agreements, a vacant Unison post, and potentially further vacancy savings generated within the Employing Young People budget.

#### **Borough Solicitor**

77. The new staffing structure for the department which came into effect on 1 April 2012 was costed on base budget and expected income. Therefore, whilst the budget indicates an emerging pressure of approximately £200,000 in terms of the staffing costs within the service, these are offset by additional income expected of £200,000 generated within the Service through the CheSS agreement, fees from land and property transactions and internal funding and capitalisation.

78. A budget pressure of £42,000 is anticipated within Registration Services in respect of staffing, particularly relating to the cost of additional marriages. Further investment in marketing of £25,000 will continue to promote the service; however, this will be met by the Invest to Save budget.

79. The Coroner Service has a base budget shortfall of approximately £50,000. However, with other items, following receipt of a £26,000 refund relating to 2011/2012, the service has a net pressure this year of £18,000.

#### **Capital Programme**

#### **Finance & Business Services**

80. A number of prior year projects with remaining budgets have now been merged with the key ICT programmes of Core System Stability, Superfast Broadband and Local Independent Workforce. These programmes will be subject to further review as part of the plans to reduce the capital programme. Further details of the proposed virements are provided in **Appendix 6**.

#### **Debt**

81. A summary of outstanding invoiced debt by Directorate is contained in **Appendix 3**.

## 2. Financial Stability

### Government Grant Funding of Local Expenditure

82. Cheshire East receives two main types of Government grants, formula grant and specific grants. The overall total of Government grant estimated for 2012/2013 is £402.2m.

83. In 2012/2013 Cheshire East Council's formula grant will be £67.7m and specific grants were budgeted to be £334.5m based on Government announcements to February 2012. Further announcements have revised this figure to £346.1m. Specific grants are split between non-ringfenced (£137.2m) and ringfenced (£208.9m). Spending in relation to ringfenced grants must be in line with the purpose for which it is provided.

84. The table below is a summary of the budgeted and updated position for all grants in 2012/2013. A full list of grants is provided at **Appendix 8**.

**Table 6 – Summary of Grants to date**

	Original Budget 2012/13 £m	Revised Budget 2012/13 £m	Variance 2012/13 £m
Formula Grant			
Revenue Support Grant	1.3	1.3	0.0
Business Rates	66.4	66.4	0.0
Specific			
Ringfenced Grants	205.4	208.9	-3.5
Non Ringfenced Grants - held within service	95.5	95.5	0.0
Non Ringfenced Grants - held corporately	33.6	41.7	-8.1
<b>Total Government Grant Funding</b>	<b>402.2</b>	<b>413.8</b>	<b>-11.6</b>

85. Ringfenced grants have increased by £3.5m, mainly as a result of higher than forecast pupil numbers which have resulted in increased allocations of DSG, Pupil Premium Grant and Sixth Form grant. These grants are ring fenced to the schools sector, and allocations are influenced by the Schools Forum who will determine how the funds will be allocated to schools or to the central contingency retained centrally on behalf of schools.

86. There is an increase in non ringfenced grants of £8.1m overall. This is mainly due to the transfer of funding from the PCT of £6.1m for the Valuing People Now scheme to be paid as part of the Learning Disabilities and Health Reform grant. Additional grants of £2.5m are now due to be received in 2012/2013, including a £0.5m refund relating to Formula Grant adjustment for Academies. On 19 July Council approved the use of £0.6m Local Sustainable Transport Fund grant. Services have now bid for a further £1.2m of additional funding for 2012/2013 (**see Appendix 2**). The resulting £0.7m net increase has been partly offset by four small Children and Families grants now not expected to be received (£0.2m) and three retrospective grants which have already been included within service income budgets (£0.3m), leaving £0.2m net additional grant payable into general reserves.

### Collecting Local Taxes for Local Expenditure

87. Cheshire East Council collects Council Tax and National Non Domestic Rates (NNDR) for use locally and nationally.

### Council Tax

88. Council Tax is set locally and retained for spending locally. Council Tax was frozen for 2012/2013 at £1,216.34 for a Band D property. This is applied to the taxbase.

89. The taxbase for Cheshire East reflects the equivalent number of domestic properties in Band D that the Council is able to collect Council Tax from (after adjustments for relevant discounts, exemptions and an element of non collection). The taxbase for 2012/2013 was agreed at 146,807.37 which, when multiplied by the Band D charge, means that the expected income for the year is £178.6m.

90. In addition to this, Cheshire East Council collects Council Tax on behalf of the Cheshire Police Authority, the Cheshire Fire Authority and Parish Councils. **Table 7** shows these amounts separately, giving a total collectable amount of £214.9m.

**Table 7 – Cheshire East Council collects Council Tax on behalf of other precepting authorities**

	£m
Cheshire East Council	178.6
Cheshire Police Authority	22.1
Cheshire Fire Authority	9.8
Town & Parish Councils	4.4
	<u>214.9</u>

Source: Cheshire East Finance, July 2012

91. This figure may vary slightly during the year if more discounts and exemptions are granted or more properties are built.

92. The Council expects to collect at least 99% of the amount billed, but will always pursue 100% collection. However, to allow for any delay in collection the amount billed should therefore be slightly more than the actual budget. The amount billed to date is £216.7m.

93. **Table 8** shows collection rates for the last three years, and demonstrates that 99% collection is on target to be achieved within three years.

**Table 8 – 99% of Council Tax will be collected within 3 Years**

	% Collected to date
2010/2011	98.9%
2011/2012	98.3%
2012/2013	36.9%

Source: Cheshire East Finance, July 2012

### **National Non Domestic Rates (NNDR)**

94. NNDR is collected from businesses in Cheshire East based on commercial rateable property values and a nationally set multiplier. The multiplier changes in line with inflation and takes account of the costs of small business rate relief. The inflation factor used is 5.6% which reflects the Retail Price Index as at September 2011. NNDR is set nationally and paid over into the NNDR pool to be re-allocated across the country according to need.

95. The small business multiplier applied to businesses who qualify for the small business relief has been set at 45.0p in 2012/2013. The non-domestic multiplier has been set at 45.8p in the pound for 2012/2013.

96. The amount collected does not relate to the amount that is redistributed to the Council but it must be noted that the total collected includes amounts that will be distributed to police and fire authorities as well as local government.

97. **Table 9** demonstrates how collection continues to improve even after year end. The table shows how over 99% of non-domestic rates are collected within three years.

**Table 9 – Over 99% of Rates are collected within 3 years**

	% Collected to date
2010/2011	99.1%
2011/2012	98.3%
2012/2013	31.4%

Source: Cheshire East Finance, July 2012

## Capital

98. The 2012/2013 Capital Programme has been updated to reflect the carry-forward of budgets from the 2011/2012 Programme, and any consequent re-profiling into future years. The original budget for 2012/2013 of £83.8m has therefore been revised to £81.7m, after allowing for rephasing of slippage.
99. **Appendix 4** summarises the Capital programme and its funding.
100. The programme is currently under review and will be examined with the intention of making substantial savings within the current programme in order to fund future investment priorities. In order to facilitate the review funding streams within the current programme have been consolidated across financial years. **Appendix 5** sets out the consequential adjustments required. Details of the revised Capital Programme will be reported to Cabinet in the Mid Year Financial Update.
101. **Appendix 6** lists requests for Supplementary Capital Estimates and Virements up to £1m in respect of forecast overspends and additional schemes not previously approved as part of the 2012/2013 Capital Programme. All Supplementary Capital Estimates are fully funded by external contributions, revenue contributions, grant or underspends.
102. **Appendix 7** details a request for a Supplementary Capital Estimate of over £1m funded by capital receipts.

## Central Adjustments

## Capital Financing Costs

103. The capital financing budget includes the amount charged in respect of the repayment of outstanding debt and the amount of interest payable on the Council's portfolio of long term loans. These budgeted costs are partly offset by the interest the Council anticipates earning from temporary investment of its cash balances during the year.
104. At FQR, the overall saving on the capital financing budget is forecast to be £0.3m, due to a reduction in debt repayment costs and savings in external interest charges. The level of external borrowing required in 2012/2013 is expected to be lower than originally forecast as the review of the capital programme will lead to improvements in the overall cash balances position.

## Treasury Management

105. Investment income is currently £5,000 lower than budgeted caused primarily by weak performance by the managed pooled funds in the first 2 months of the year. The original budget of £300,000 is based on falling balances available for investment and interest rates remaining unchanged through 2012/2013. Based upon the current economic forecasts, investment interest rates are not expected to increase and credit quality and liquidity of investments will continue to take priority over yield. Any budget shortfall on investment interest should be compensated by savings on external interest payments.
- The average lend position (the 'cash balance') including fund manager and legacy balances up to the end of the first quarter was £67.3m.
  - The average annualised interest rate received on in house investments up to the end of the first quarter was 0.81%.

- The average annualised interest rate received on the externally managed Investec fund up to the end of the first quarter was 0.08%.

106. The Council's total average interest rate up to the end of quarter 1 in 2012/2013 was 0.60%. This is on a par with the London Inter-bank Bid Rate for 7 days at 0.59%. The base rate remained at 0.50% for the quarter.

**Table 10 – Interest Rates are on a par with the LIBID 7 Day Rate**

Comparator	Average Rate Q1
Cheshire East	0.60%
LIBID 7 Day Rate	0.59%
LIBID 3 Month Rate	0.96%
Base Rate	0.50%

## Central Contingencies

### Pensions

107. The 2012/2013 budget contains £0.7m contingency provision to meet the impact of increases in Employer Pensions contributions. It is anticipated that this will be fully allocated to services.

### Severance and relocation costs

108. A provision of £4.0m was included in the 2012/2013 budget to meet ongoing actuarial charges relating to Voluntary Redundancies (VR), and relocation costs arising from Local Government Reorganisation. Overall spending in-year is expected to be broadly in line with the provision. Overall though, relocation costs are lower than originally forecast, and consequently provision has been made in the 2012/2013 budget to return surplus funding of £0.5m transferred to the Council on reorganisation to CWAC.

## Supplementary Revenue Approvals

109. The Council's budget provides for the receipt of known specific grants. However during the year where additional unbudgeted grant funding is received, services wishing to increase their expenditure budgets are required to seek approval to use this additional funding. This report therefore seeks approval to services' requests to incur additional expenditure in 2012/2013 fully funded by additional grant allocations received. Details of the bids are contained in **Appendix 2**.

## Outturn Impact

110. The impact of the projected service outturn position is to reduce balances by £7.7m as reported in **Section 1**.

111. Taken into account with the service related items detailed above, the impact of these service outturn issues is to reduce balances by £7.2m, summarised as follows:

**Table 11 – Service Outturn Impact**

	£m
Service Outturn	-7.7
Specific Grants	0.2
Capital Financing	0.3
	<hr/> -7.2

## Management of Council Reserves

112. The opening balance at 1 April 2012 on the Council's General Reserves decreased from a budgeted £13.2m to an actual position of £11.4m, due to the final outturn position for 2011/2012.

113. The Council's Reserves Strategy 2012/2015 stated that the Council would maintain reserves to protect against risk and support investment. The Strategy forecast an increase in the level

of reserves to £20.8m by 31st March 2013 with a risk assessed minimum level of £15m.

114. The budget included a planned contribution to reserves of £7.6m. On 19<sup>th</sup> July, Council approved Supplementary Revenue Estimates of £0.3m for 2012/2013 relating to grant income received in 2011/2012 which effectively was being held in general reserves. This produced a revised budget of £7.3m.

115. Taken together with service outturn impacts above, the overall impact is a net increase in general reserves of £0.1m to £11.5m as shown in Table 12 below.

**Table 12 – Change in Reserves Position**

	£m
Opening Balance at 1 April 2012	11.4
Planned Contribution to Reserves	7.3
	<hr/> 18.7
Service Outturn Impacts	-7.2
Forecast Closing Balance at March 2013	<hr/> 11.5

116. The balance of £11.5m is below the Reserves Strategy risk assessed minimal level of £15m.

### 3. Performance Report - Strategic Director Places & Organisational Capacity

#### 2012/2013 Quarter One Performance

117. This section provides a high level summary of the key performance headlines for the first three months of 2012/2013.

118. For external reporting purposes at the end of quarter one, the Council continues to report on a basket of measures retained within service plans from the former National Indicator Set, and the former Best Value Performance Indicator Set. In total 23 measures will be externally reported on a quarterly basis during 2012/2013, with additional measures being reported at year-end.

#### Performance Measure Tolerances (Red/Amber/Green ratings)

119. The Council's electronic monitoring and performance system (CorVu) is pre-populated with a five percent tolerance against the targets set by service areas, meaning that the system assigns a 'red' assessment to performance data 5% (or more) short of the target, an 'amber' assessment to data within 5% of the target, and a 'green' assessment to data performing on or above target. Where strong cases are made for the revision of tolerances (e.g. where a 5% tolerance is not appropriate due to a measure's data return format), tolerances will be revised to support individual targets. In all other circumstances, the 5% tolerance will remain in place for performance measure reporting in 2012/2013.

#### Revision to Reporting Frequency of Household/Municipal Waste Figures

120. The following indicators:

- NI 191 (Residual household waste per head)
- NI 192 (Household waste recycled and composted)
- NI 193 (Municipal waste land filled)

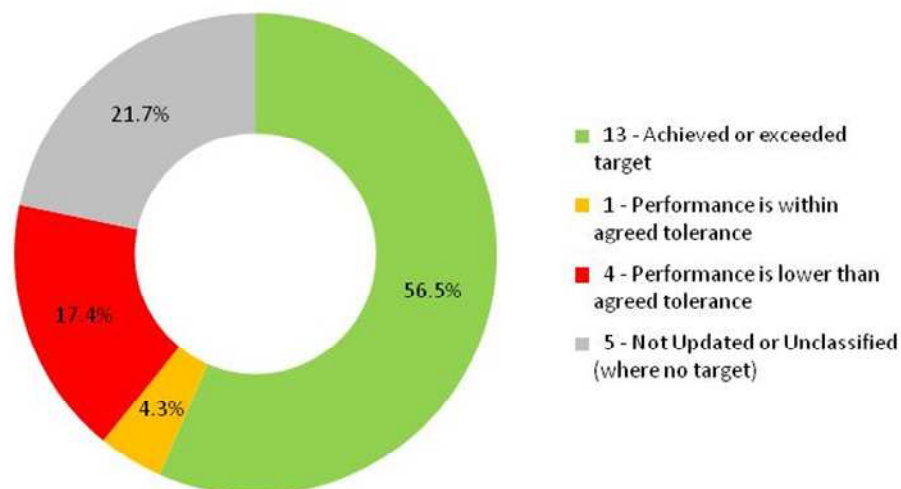
are annual indicators calculated by central government on the basis of data submitted to the Council by DEFRA. Due to the highly seasonal and weather dependent nature of these figures, which results in the greatest variation falling in the last two winter quarters, these indicators will be reported annually going forward.



## 2012/2013 Quarter One Performance Against Target

121. Performance assessments (red; amber; green) were made based on performance against target.

### 2012/2013 Q1 Actual vs Target



122. **56.5%** of measures are on target or exceeding their target at 2012/2013 First Quarter.

123. However **17.4%** did not achieve their quarterly target:

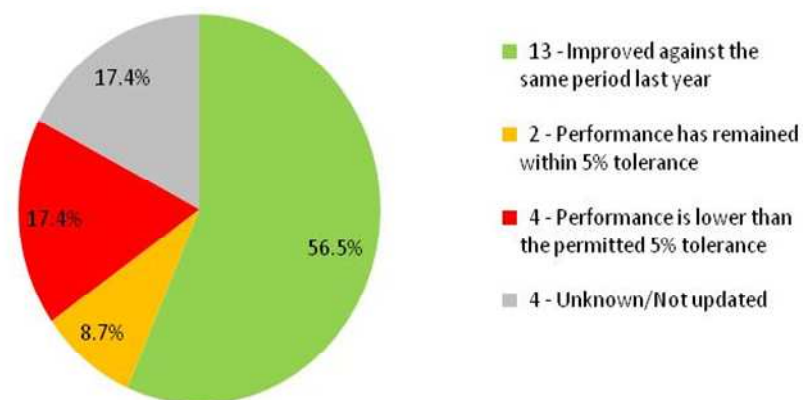
Directorate	Reference	Definition
Children, Families & Adults	NI 59	Initial assessments for children's social care carried out within 7 working days of referral
	NI 60	Core assessments for children's social care that were carried out within 35 working days of their commencement
Places & Organisational Capacity	NI 155	Number of affordable homes delivered
Human Resources	BV 12	Working days lost due to sickness absence

(See Appendix 10 for further details)

## Year On Year Direction Of Travel

124. Performance assessments (red; amber; green) have been made based on current performance compared to Q1 2011/2012.

### June 2011 vs June 2012



125. The 4 (17.4%) measures which failed to achieve the same level of performance when compared to the same period last year were:

<b>Directorate</b>	<b>Reference</b>	<b>Definition</b>
Children, Families & Adults	NI 59	Initial assessments for children's social care carried out within 7 working days of referral
	NI 60	Core assessments for children's social care that were carried out within 35 working days of their commencement
	NI 125	Achieving independence for older people through rehabilitation/intermediate care
Human Resources	BV 12	Working days lost due to sickness absence

*(See Appendix 10 for further details)*

# **Appendices to First Quarter Review of Performance 2012 / 2013**

**August 2012**

## Appendix 1 – Changes from Original Budget 2012/2013

	Original Net Budget £000	Additional Grant Funding £000	Allocations from Reserves £000	Restructuring & Realignments £000	Other Virements £000	Revised Net Budget £000
<u>Children &amp; Families</u>						
Directorate	3,346			-2,584		762
Safeguarding & Specialist Support	26,872			-260	-77	26,535
Early Intervention & Prevention	10,632	622	45	607		11,906
Strategy, Planning & Performance	16,936			2,237	-34	19,139
Cost of Investment	650					650
	58,436	622	45	0	-111	58,992
<u>Adults</u>						
Care4CE	-1,144			1,144		0
Strategic Commissioning	30,778	293		-1,144	6,158	36,085
Business Management and Challenge	2,863				171	3,034
Individual Commissioning	58,889				-38	58,851
Cost of Investment	650					650
	92,036	293	0	0	6,291	98,620
<b>CHILDREN, FAMILIES &amp; ADULTS</b>	<b>150,472</b>	<b>915</b>	<b>45</b>	<b>0</b>	<b>6,180</b>	<b>157,612</b>

	Original Net Budget £000	Additional Grant Funding £000	Allocations from Reserves £000	Restructuring & Realignments £000	Other Virements £000	Revised Net Budget £000
Waste, Recycling & Streetscape	25,988			-459		25,529
Highways & Transport	16,201	717	117	-24		17,011
Community Services	141		30	-31	-7	133
Development	22,994	107	109	-73	-936	22,201
Performance, Customer Services & Capacity	9,273			587	-111	9,749
Cost of Investment	1,901				175	2,076
<b>PLACES &amp; ORGANISATIONAL CAPACITY</b>	<b>76,498</b>	<b>824</b>	<b>256</b>	<b>0</b>	<b>-879</b>	<b>76,699</b>
Finance & Business Services	16,313	84		-105	709	17,001
HR & OD	2,819			105	197	3,121
Borough Solicitor	5,441				96	5,537
Cost of Investment	730				-175	555
<b>CORPORATE SERVICES</b>	<b>25,303</b>	<b>84</b>	<b>0</b>	<b>0</b>	<b>827</b>	<b>26,214</b>
<b>TOTAL SERVICE OUTTURN</b>	<b>252,273</b>	<b>1,823</b>	<b>301</b>	<b>0</b>	<b>6,128</b>	<b>260,525</b>
<b>CENTRAL BUDGETS</b>						
Specific Grants	-33,545	-1,980			-6,128	-41,653
Capital Financing	14,800					14,800
Contingencies	5,170					5,170
Contribution to Reserves	7,547	157	-301			7,403
	<b>-6,028</b>	<b>-1,823</b>	<b>-301</b>	<b>0</b>	<b>-6,128</b>	<b>-14,280</b>
<b>TOTAL BUDGET</b>	<b>246,245</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>246,245</b>

## Appendix 2 – Matters for Decision – Supplementary Revenue Estimates Funded from Additional 2012/2013 Grants

Service	Awarding Body	Grant	£000	Details of Service Bid
Children & Families	CLG	Troubled Families Initiative	522	General purpose - no direct conditions on grant usage. Further grant receivable on payments by results basis (potentially £130k). The Troubled Families Financial Framework is a results-based funding scheme which allows local authorities to receive additional funding to deal with troubled families and meet the cost of the extra interventions that can help turn around these families' lives. The funding will be paid primarily on a payment-by-results basis, with 80% being received up front as an attachment fee, £521.6k in 2012/2013, and the remainder paid once the desired outcomes for these families are achieved, which is anticipated to be 12 months after the intervention starts. In addition £100k has been allocated to fund the Troubled Families Co-ordinator.
Children & Families	CLG	Troubled Families Initiative - Co-ordinator	100	
Adults	DoH	Learning Disability and Health Reform	293	<p>General purpose - no direct conditions on grant usage.</p> <p>This funding is as a result of the increased allocation on the 2011/12 level of grant. This will be used to offset against the Learning Disability Pooled budget overspend due to inherent budget pressures in this area. The additional funding includes £19k for Local Authorities to take over the responsibility of signposting members of the community to information about social and health services through local healthwatch schemes with effect from October 2012. This is a transfer of responsibility from the NHS to Local Authorities. This funding is to help with the start up costs of setting up of local healthwatch schemes. Healthwatch will be independent consumer champions for the public, to promote better outcomes in health and social care.</p> <p>Note - £6.128m previously included within the Adults budget as invoiced income from PCT is now being received directly as part of the Learning Disability &amp; Health Reform grant as reflected in Appendix 8.</p>

Service	Awarding Body	Grant	£000	Details of Service Bid
Highways & Transport	DfT	Community Transport	139	<p>General purpose - no direct conditions on grant usage.</p> <p>The grant is made available to local authorities by the Department for Transport. They anticipate local authorities will use it to support flexible and demand responsive transport in their areas, in order to provide vital transport provision for older and vulnerable residents. In Cheshire East, there has been a substantial level of change in terms of provision, and the grant would be used to develop alternative flexible transport provision that is financially sustainable.</p> <p>Implications of not using grant for this area: Significant overspend in community transport area. Previous providers of community transport were not financially viable, and short-term solution has had to be found until long-term cost savings can be delivered. SRE will therefore be used to offset current additional expenditure needs, along with pump-priming alternative provision to reduce long term costs.</p>
Development	CLG	Preventing Repossessions	107	<p>General purpose - no direct conditions on grant usage.</p> <p>The money is for Local Authorities to establish a Preventing Repossessions Fund to assist homeowners under threat of repossession. The Fund provides an additional option for local authorities to consider using when tackling repossessions. This can be achieved by offering small interest free loans, or grants, to at risk households. Lenders often commence possession action on very small amounts of arrears where they cannot see evidence that the borrower will be able to address their financial situation. In many cases it is secondary borrowing that is the barrier to this. Small loans can address immediate short term financial difficulties, allow 'breathing space' and avoid households becoming homeless due to mortgage possession.</p> <p>A key feature of the Fund is its recyclable nature which will enable a local authority to develop sustainable support over a longer period than one financial year. Local Authorities can also pool their resources to develop economies of scale in delivery.</p> <p>Use of the grant for this purpose does not commit the Council to future spending after the grant has ended.</p>
Finance & Business Services	CLG	Council Tax New Burdens	84	<p>General purpose - no direct conditions on grant usage.</p> <p>The New Burdens payment is an initial payment to reflect the resource required in the set up and preparations for the Council Tax Reduction Scheme. Additional payments may be made in the future.</p> <p>Plan to use funding for additional software module, administration of consultation including staffing, IT set-up, marketing and publicity, printing and postage</p>
<b>Total</b>			<b>1,245</b>	

## Appendix 3 – Debt Management

In addition to the collection of Council Tax and National Non-Domestic Rates the Council also issues invoices to organisations or individuals for certain key services. Performance related to Council Tax and Non-Domestic Rates is contained in **Section 2** of this report.

Total Invoiced Debt at the end of June 2012 was £5.9m. After allowing for £1.4m of debt still within the payment terms, outstanding debt stood at £4.5m. This is £1.7m lower than at 31<sup>st</sup> March mainly due to settlement of significant “year-end invoices” raised in Adults Services.

The total amount of service debt over 6 months old is £2.8m which is £0.2m higher than the level of older debt reported at the final outturn as at 31 March 2012.

Services have created debt provisions of £2.5m to cover this debt in the event that it needs to be written off.

The Council uses a combination of methods to ensure prompt payment of invoices. Recovery action against unpaid invoices may result in the use of debt collectors, court action or the securing of debts against property.

An analysis of the invoiced debt provision by directorate is provided in the table:

	Outstanding Debt £000	Over 6 months old £000	Debt Provision £000
Children & Families	403	338	225
<i>Children &amp; Families</i>	376	312	197
<i>Schools</i>	28	26	28
Adults	2,302	1,713	1,606
Total Children, Families & Adults	2,705	2,051	1,831
Waste, Recycling & Streetscape	477	198	143
Highways & Transport	417	250	176
Community	172	93	93
Development	742	248	214
Performance, Customer Service & Capacity	7	3	3
Total Places & Org Capacity	1,815	792	629
Finance & Business Services	15	5	4
HR & OD	2	1	0
Borough Solicitor	5	1	0
Total Corporate Services	22	7	4
TOTAL	4,542	2,850	2,464



## Appendix 4 – Summary Capital Programme and Funding

Department	Original In-Year Budget	SCE's/ Virements Qtr 1	Revised In-Year Budget	Reprofiled to Future Years	Forecast Budgets			
	2012/13 £'000	2012/13 £'000	2012/13 £'000	2012/13 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Post 2014/15 £'000
Adults								
New Starts	4,481	456	4,937	-2,882	2,055	2,673	520	0
Ongoing schemes	20	0	20	0	20	0	0	0
	4,501	456	4,957	-2,882	2,075	2,673	520	0
Children & Families								
New Starts	6,289	4,014	10,303	-4,690	5,613	7,445	0	0
Ongoing schemes	21,065	-3,988	17,077	-4,680	12,397	5,732	0	0
	27,354	26	27,380	-9,370	18,010	13,177	0	0
Places & Organisational Capacity								
New Starts	24,634	3,534	28,168	-2,022	26,145	11,605	10,735	1,352
Ongoing schemes	33,093	-1,612	31,481	-7,441	24,040	14,541	3,589	0
	57,727	1,922	59,649	-9,464	50,186	26,146	14,324	1,352
Finance, Legal & Business Services								
New Starts	7,915	2,375	10,290	0	10,290	12,852	9,345	6,624
Ongoing schemes	3,468	-2,375	1,093	0	1,093	829	0	0
	11,383	0	11,383	0	11,383	13,681	9,345	6,624
Total New Starts	43,319	10,379	53,698	-9,594	44,103	34,575	20,600	7,976
Total Ongoing schemes	57,646	-7,975	49,671	-12,121	37,550	21,102	3,589	0
Total Capital Expenditure	100,964	2,404	103,368	-21,715	81,653	55,678	24,189	7,976

NOTE: The figures in this table are subject to the comprehensive review of the Capital Programme to be undertaken prior to the Mid Year Review, and may therefore be subject to significant change.

Funding Source	Forecast Expenditure			
	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000
Grants	38,492	11,236	2,546	0
External Contributions	1,620	523	10	0
Linked/Earmarked Capital Receipts	676	676	676	1,352
Supported Borrowing	2,128	1,133	0	0
Non-supported Borrowing	21,030	33,853	11,294	0
Revenue Contributions	498	450	0	0
Capital Reserve	17,208	7,807	9,663	6,624
Total	81,653	55,678	24,189	7,976

## Appendix 5 – Requests for Budget Adjustments within Programme to Consolidate Funding

Cabinet is asked to note the following Budget adjustments.

These Budget adjustments are wholly within the same Project/Programme/Block allocation category but across Starts Years and are required to consolidate Programme / Block budgets.

Capital Scheme	Starts Year	Amount Requested £	SCE/ Virement/ Reduction	Funding of SCE/Virement	Virement FROM ...	
					Starts Year	Amount Requested £
<b><u>Children, Families &amp; Adults</u></b>						
Devolved Formula Capital - In Advance	2009/10	109,000	Virement	Devolved Formula Cap 2008/09 East	2008/09	109,000
DFC Grant	2012/13	4,014,000	Virement	Devolved Formula Capital 2007/08 - 2011/12	2009/10	4,014,000
<b><u>Places &amp; Organisational Capacity</u></b>						
<b>Community Services</b>						
Other Car Parking Improvements	2012/13	329,649	Virement	Car Park Improvements - 2010/11 - 2011/12	2011-12	329,649
<b>Development</b>						
Minor Works 2012/13	2012/13	210,323	Virement	MINOR WORKS 2011/12	2011/12	210,323
Farms Strategy	2012/13	1,245,431	Virement	Farms Estates Reorganisation & Reinvestment	2009/10	1,245,431
Asset Management Service Block 12/13	2012/13	1,035,636	Virement	Asset Management Service Block 2011/12	2011/12	1,035,636
<b>Total SCE's, Virements and Budget Reductions</b>		6,944,039				6,944,039

# Appendix 6 – Request for Supplementary Capital Estimates (SCEs) and Virements up to and including £1,000,000

Cabinet are asked to approve SCE and Virements up to and including £1,000,000.

Capital Scheme	Starts Year	Amount Requested £	SCE/ Virement/ Reduction	Funding of SCE/Virement	Virement FROM ...	
					Starts Year	Amount Requested £
<b><u>SUPPLEMENTARY CAPITAL ESTIMATES</u></b>						
<b><u>Children, Families &amp; Adults</u></b>						
Havannah Primary School	2011/12	25,744	SCE	Havannah Primary School - From School Funds		25,744
Combined ICT Project	2012/13	764,385	SCE	Personal Social Services Grant		764,385
<b><u>Places &amp; Organisational Capacity</u></b>						
<b><u>Highways &amp; Transport</u></b>						
S278 - Chapel Street, Seddon	2010/11	400	SCE	Fully funded by Developer Contributions	2010/11	400
S278 - Park House Farm	2007/08	2,000	SCE	Fully funded by Developer Contributions	2007/08	2,000
S278 - Former Oakland School, Wilmslow	2012/13	3,000	SCE	Fully funded by Developer Contributions	2012/13	3,000
S106 - Jackson Ave, Nantwich	2012/13	5,000	SCE	Fully funded by S106 Developer Contributions	2012/13	5,000
S278 - Portland Drive, Gladedale	2011/12	9,000	SCE	Fully funded by Developer Contributions	2011/12	9,000
S106 - UTC Macclesfield	2012/13	10,729	SCE	Fully funded by S106 Developer Contributions	2012/13	10,729
S106 - Statham Street, Macclesfield	2012/13	11,829	SCE	Fully funded by S106 Developer Contributions	2012/13	11,829
S106 - Victoria Rd, Macclesfield	2012/13	23,000	SCE	Fully funded by S106 Developer Contributions	2012/13	23,000
S106 - Broken Cross, Macclesfield	2012/13	50,000	SCE	Fully funded by S106 Developer Contributions	2012/13	50,000
<b><u>Community Services</u></b>						
CCTV Rationalisation	2010/11	5,000	SCE	Funded by Prudential Borrowing - Offset against previous scheme underspend returned to balances via 11-12 Outturn report		5,000
<b><u>Development</u></b>						
Tatton Park - Office Accommodation Ph 2	2010/11	715	SCE	Small overspend on the Tatton Office Accommodation Capital scheme - To be fully funded by a contribution from the Tatton Revenue Budget		715
Town Regeneration & Development	2012/13	35,000	SCE	Fully funded by S106 contribution - Provided by Magus for Macclesfield Town Centre works		35,000
<b>Total SCE's Requested</b>		945,802				945,802

<b><u>CAPITAL BUDGET VIREMENTS</u></b>						
<b><u>Children, Families &amp; Adults</u></b>						
Oakefield Primary School - Basic Needs 2011/12	2011/12	70,000	Virement	Beechwood Primary School - Basic Needs 11-12	2011/12	70,000
CareWorks System	2012/13	456,390	Virement	Combined ICT Project	2012/13	456,390
<b><u>Places &amp; Organisational Capacity</u></b>						
<b><u>Development</u></b>						
Tatton Park - Conservatory	2009/10	4,616	Virement	AMS Block 12-13	2012/13	4,616
Asset Management Service Block 2012/13	2012/13	1,000,000	Virement	Church Lawton - Specialist Provision	2011/12	1,000,000
Asset Management Service Block 2012/13	2012/13	343,000	Virement	Capital Maintenance Grant	2012/13	343,000
<b><u>Corporate Services</u></b>						
<b><u>ICT</u></b>						
Core System Stability	2012/13	63,991	Virement	Government Connect	2009/10	63,991
Core System Stability	2012/13	44,176	Virement	Data Centre Macclesfield	2009/10	44,176
Core System Stability	2012/13	191,059	Virement	Essential Replacement 10-11	2010/11	191,059
Core System Stability	2012/13	412,429	Virement	IPT Harmonisation	2010/11	412,429
Core System Stability	2012/13	274,058	Virement	WAN Hardware	2011/12	274,058
Core System Stability	2012/13	134,881	Virement	ICT Security 11/12	2011/12	134,881
Superfast Broadband 12/13	2012/13	418,324	Virement	ICT Rural Broadband Project	2011/12	418,324
Local Independent Workforce	2012/13	435,857	Virement	Information Management	2008/09	435,857
Local Independent Workforce	2012/13	669,831	Virement	Flexible & Mobile Working	2009/10	669,831
<b>Total Virements Requested</b>		<b>4,518,612</b>				<b>4,518,612</b>
<b>Total SCE's, Virements and Budget Reductions</b>		<b>5,464,414</b>				<b>5,464,414</b>

## Appendix 7 – Request for Supplementary Capital Estimates (SCEs) and Virements in Excess of £1m

Cabinet are asked to request Council to approve SCE and Virements in excess of £1m.

Capital Scheme	Starts Year	Amount Requested £	SCE/ Virement/ Reduction	Funding of SCE/Virement	Virement FROM ...	
					Starts Year	Amount Requested £
<b><u>Places &amp; Organisational Capacity</u></b>						
Development Farms Strategy	2012/13	2,135,000	SCE	Capital Receipts		2,135,000
<b>Total SCE's, Virements and Budget Reductions</b>		2,135,000				2,135,000



## Appendix 8 – Corporate Grants Register as at 30<sup>th</sup> June 2012

	Original Budget 2012/13 £000	Revised Budget 2012/13 £000	Variance 2012/13 £000
<b>Formula Grant</b>			
Revenue Support Grant	1,287	1,287	0
National Non Domestic Rates	66,390	66,390	0
<b>Total Formula Grant</b>	<b>67,677</b>	<b>67,677</b>	<b>0</b>

### Specific Grants

## Ringfenced Grants

Dedicated Schools Grant	1	193,822	195,650	-1,828
Pupil Premium Grant	1	2,696	3,944	-1,248
Sixth Forms Grant (EFA)	1	8,898	9,221	-323
Golden Hello		0	40	-40
16-19 Bursary		0	83	-83
<b>Total Ringfenced Grants</b>		<b>205,416</b>	<b>208,938</b>	<b>-3,522</b>

### Non Ringfenced Grants - held within service

Council Tax Benefit Subsidy	2	20,408	20,408	0
Housing Benefit Subsidy	2	75,128	75,128	0
<b>Total Benefit Subsidies</b>		<b>95,536</b>	<b>95,536</b>	<b>0</b>

### Non Ringfenced Grants - held corporately

Early Intervention Grant		12,908	12,908	0
Learning Disabilities & Health Reform	3	0	6,128	-6,128
- PCT transfer				
Learning Disabilities & Health Reform		4,124	4,417	-293 SRE bid
Adult Skills & Adult Safeguarding Learning		675	675	0
Skills Funding Agency		216	216	0
YOS grant		411	418	-7
NHS Funding	4	3,756	3,756	0
Troubled Families		0	522	-522 SRE bid
Troubled Families - Co-ordinator		0	100	-100 SRE bid
Music Grant		0	143	-143
Housing Benefit & Council Tax Admin.		2,094	2,094	0
NNDR Administration Grant		519	562	-43

### Non Ringfenced Grants - held corporately

*Local Service Support Grant -*

Preventing Homelessness Grant	253	253	0
Lead Local Flood Authorities	176	176	0
Community Safety Fund	148	148	0
Extended Rights to Free Transport (C&F)	385	385	0
LSS Total	963	963	0
Mortgage Rescue / preventing Repossessions	0	107	-107 SRE bid
Community Transport Grant	0	139	-139 SRE bid
Local Sustainable Transport Fund	0	578	-578 SRE approved
New Homes Bonus 2011/12	870	870	0
New Homes Bonus 2012/13	1,844	1,844	0
New Homes Bonus 2013/14			0
Affordable Homes - starts 2012/13	85	85	0
Council Tax Freeze Grant 12/13	4,505	4,505	0
Council Tax - New Burdens	0	84	-84 SRE bid
Community Rights to Challenge New Burdens grant	0	9	-9
LACSEG refund from 2011/12 formula grant	0	503	-503
Children's Workforce in Schools Modernisation Grant	79	0	79
Learner Support Funds	37	0	37
16+ Transport Partnership grant	68	0	68
Further Education Funding (16-18 Funding)	9	0	9

## Grants Claimed Retrospectively -

Milk Subsidy	28	28	0
Asylum Seeker	86	0	86
Workstep	166	0	166
Migration Impact Fund (Communities of Interest)	102	0	102
	<b>33,545</b>	<b>41,653</b>	<b>-8,107</b>

### Total Specific Grants

### Total Government Grant Funding

## Notes

- 1 The revised budgets for Dedicated Schools Grant, Pupil Premium Grant and Sixth Form Grant (from the Education Funding Agency) figures are based on confirmed allocations, reflecting updated pupil numbers.
- 2 The budgets for Council Tax Benefit and Housing Benefit Subsidy grants are held within the service.
- 3 £6.128m reflects virements arising from change in treatment of funding from PCT contribution to grant
- 4 Spending against NHS Funding grant is to be negotiated with NHS

# Appendix 9 – Treasury Management

## Counterparty Limits and Investment Strategy

1. The maximum amount that can be invested with any one organisation is set in the Treasury Management Strategy Report. For named UK banks and building societies this has been set at 15% of our total investments subject to a maximum value of £15m. These limits apply to the banking group that each bank belongs to. Limits for Money Market funds have been set at 25% of total investments subject to a maximum value of £20m. There is also a maximum that can be invested in all Money Market Funds at any one time of 50% of the value of all investments.
2. Our approved counterparties list also includes a number of foreign banks although, to date, none have been used. Due to the on-going problems in the Eurozone and consistent with advice from our Treasury Management advisors, direct investments in other European countries are not currently being considered. The limits applicable to foreign banks are the same as those applied to UK banks.
3. During the last 3 months all UK banks have had their credit ratings reviewed mainly as a response to the continued debt crisis in the Eurozone. In response the Council has limited the duration of investments in most banks to overnight only; the exceptions being Barclays Bank and Nationwide Building Society to which a 100 day limit applies, and HSBC and Standard Chartered to which a 6 month limit applies. The short term ratings of Royal Bank of Scotland (RBS) have been reduced below that specified in our Treasury Management Strategy so no further investments are currently being made until either the rating is improved or the Treasury Management Strategy is reviewed. Investments with RBS at 30/06/12 were repaid on 04/07/12.
4. In the last quarter a new 100 day notice account has been opened with Barclays Bank in order to take advantage, where possible, of

higher returns set at a margin above the 3 month LIBOR rate. Cash flow forecasts are continually monitored and where appropriate opportunities will be taken to fix investments for short periods.

5. **Table 1** shows the current investments and limits with each counterparty. A full analysis of the types of investment and current interest ratios achieved is given in **Table 2**.

**Table 1 – Current Investments and Limits**

Counterparties	Limits		Investments as at 30/06/12	
<b>UK BANKS</b>				
Barclays Bank	15%	£15m	11%	£9m
Co-operative Bank:	15%	£15m	2%	£1.7m
HSBC Bank	15%	£15m	-	-
Lloyds TSB	15%	£15m	4%	£3m
Royal Bank of Scotland	-	-	4%	£3.4m
Santander (UK) plc	15%	£15m	11%	£9m
Standard Chartered Bank	15%	£15m	-	-
<b>BUILDING SOCIETIES</b>				
Nationwide Building Society	15%	£15m	10%	£8m
<b>Money Market Funds</b>	50%		33%	
Deutsche	25%	£20m	7%	£6m
Ignis	25%	£20m	10%	£8m
Federated Prime Rate	25%	£20m	11%	£8.5m
Scottish Widows	25%	£20m	5%	£4.3m
Pooled Funds - External Fund Manager	50%		25%	£20.1m
				<b>£81.0m</b>



**Table 2 – Types of Investments and Current Interest Ratios**

<b>Instant Access Accounts</b>	<b>Avg rate %</b>	<b>£'000's</b>
Instant Access Accounts	0.76%	10,730
Money Market Funds	0.66%	26,800

<b>Notice Accounts</b>	<b>Avg rate %</b>	<b>£'000's</b>
Notice Accounts (up to 100 days)	1.08%	9,400

<b>Fixed Term Deposits</b>	<b>Start</b>	<b>Maturity</b>	<b>Rate %</b>	<b>£'000's</b>
Lloyds TSB	27/04/2012	27/07/2012	1.40	3,000
Nationwide BS	15/05/2012	15/08/2012	0.93	5,000
Nationwide BS	18/05/2012	17/08/2012	0.93	3,000
Barclays TD	07/06/2012	07/09/2012	0.93	3,000

<b>Externally Managed Funds</b>	<b>£'000's</b>
Pooled Investments	20,138

<b>Maturity Profile</b>	<b>£'000's</b>
Instant Access	37,530
Maturing < 1 month	3,400
Maturing within 1 - 6 months	20,000
Maturing within 6 – 12 months	0
Externally Managed Funds	20,138
<b>Total</b>	<b>81,068</b>

### Performance of Fund Manager

- The table below shows the performance of the funds (net of fees) since the initial investment of £20m (£10m in each model) on 27th May 2011.

	<b>STANDARD MODEL</b>	<b>DYNAMIC MODEL</b>
<b>April 2012</b>	0.00%	-0.06%
<b>May 2012</b>	-0.04%	-0.13%
<b>June 2012</b>	0.10%	0.17%
<b>Cumulative 2012/13</b>	0.05%	-0.01%
<b>Value of Investment at 30/06/12</b>	£10,096,564	£10,060,000
<b>Fees (Total since start)</b>	£27,706	£29,817
<b>Average Annual Rate as at 30/06/12</b>	0.64%	0.28%

- Performance of the funds in April and May has been poor influenced primarily by the continued debt crisis in Europe, particularly with the uncertainties over the Greek economy leading to fresh elections in Greece. Fortunately, although close, the elections did not result in a rejection of the terms of the European bailout of their economy but the problems may persist and an exit from the Euro is still a real possibility.
- Corporate Bonds and emerging market debt were all affected by the European debt issues but improved greatly in June once the markets settled down. Most good credit quality Government stocks continue to offer very low yields but the funds have focused on other AAA rated stocks (such as Norway and Australia) which have helped the performance of the Short dated bonds element of the funds.
- Whilst the performance of the fund since we joined is not encouraging (particularly the dynamic model) these investments should be seen as a longer term investment so true performance can only be judged over a longer period of time. Regular meetings

are being held with the fund managers to assess the on-going suitability of these funds.

# Appendix 10 – Performance Report

## Corporate Scorecard Report for 2012/2013 Quarterly Reporting (Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
Children, Families & Adults	NI 19	Rate of proven re-offending by young offenders	Quarterly	Low	0.85 number	1.00 number	Not Updated	The latest performance report from YOS is expected in early August.
	NI 59	Initial assessments for childrens social care carried out within 10 working days of referral	Quarterly	High	52.20%	75.00%	34.00%	Modified definition to bring this indicator more inline with Munro recommendations. The performance for the first quarter is lower than expected, there have been vacancies and sickness within the team responsible that has impacted on the timeliness targets being met. However the staffing is now at full capacity and we are confident that all children are seen and made safe. We would anticipate an improvement in the second quarter.
	NI 60	Core assessments for childrens social care that were carried out within 35 working days of their commencement	Quarterly	High	60.60%	75.00%	54.00%	The performance in delivering core assessments is linked to the delays in the previous performance indicator relating to initial assessments. Whilst the performance for recording activity is below target in terms of timescales children are assessed and the most vulnerable children safeguarded. There are a number of actions being undertaken to improve this, although improvement in the quality of the assessment is driving change.
	NI 64	Child protection plans lasting 2 years or more	Quarterly	Low	2.63%	5.00%	2.00%	

**Corporate Scorecard Report for 2012/2013 Quarterly Reporting**  
(Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
	NI 65	Children becoming the subject of a Child Protection Plan for a second or subsequent time	Quarterly	Low	11.11%	15.00%	5.10%	
	NI 67	Child protection cases which were reviewed within required timescales	Monthly	High	100.00%	100.00%	100.00%	The purpose of this indicator is to demonstrate that the multi-agency plans to keep the most vulnerable children in Cheshire East safe are independently reviewed in a timely way to ensure they are appropriately robust. Operational arrangements will ensure that this is a priority and will endeavour to continue to achieve 100%.
	NI 111	First time entrants to the Youth Justice System aged 10 to 17	Quarterly	None	188 number	Not Set	Not Updated	The latest performance report from YOS is expected in early August.
	NI 117	16 to 18 year olds who are not in education, training or employment (NEET)	Quarterly	Low	5.00%	4.90%	4.90%	
	NI 125	Achieving independence for older people through rehabilitation/ intermediate care	Monthly	High	74.40%	74.40%	78.20%	The new Service Manager for Intermediate Care is currently looking at new and better collection methods to increase response rates.

**Corporate Scorecard Report for 2012/2013 Quarterly Reporting**  
(Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
	NI 130	Social care clients receiving Self Directed Support (Direct Payments and Individual Budgets)	Monthly	High	45.50%	39.20%	39.20%	Initiatives are to be undertaken on this measure to address performance issues. The Team Support Service will work with social work teams to help them drive up performance on this measure and will include coaching sessions with the teams. A similar exercise was undertaken with another measure last year which resulted in significant improvement in performance
	NI 131	Delayed transfers of care from hospitals	Monthly	None	8.70 number	Not Set	9.90 number	Of the main combined NHS/Social Care figure, only 0.1 is attributable to social care.
	NI 132	Timeliness of social care assessment	Monthly	High	92.80%	94.00%	94.00%	This measure continues to perform well. New reporting at team level has been produced so that team managers can now see more detailed breakdowns of time taken for completion of assessments.

**Corporate Scorecard Report for 2012/2013 Quarterly Reporting**  
(Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
	NI 133	Timeliness of social care packages	Monthly	High	93.80%	93.00%	94.40%	Performance remains consistent on this measure. However, there are some missing reviews from the figures, when these are addressed this performance should increase further. A review of this measure is currently being considered: this measure is based on the old national indicator which was created prior to developments around personalisation and programmes such as reablement.
	NI 135	Carers receiving needs assessment or review and a specific carers service, or advice and information	Monthly	High	35.45%	17.90%	17.85%	Performance on this measure has improved on the same point last year (17.9% against 8.45%). There was a significant improvement in 2011/12 but we are still looking at ways to help more carers in 2012/13. For example we are currently exploring ways of improving and increasing the numbers of carers assessments with an organisation that works with carers on behalf of Community Mental Health Teams.
	NI 141	Percentage of vulnerable people achieving independent living	Quarterly	High	73.45%	65.00%	Not Updated	First quarter figures are currently unavailable as not enough data has been uploaded to the system to get an accurate result.

**Corporate Scorecard Report for 2012/2013 Quarterly Reporting**  
(Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
	NI 142	Percentage of vulnerable people who are supported to maintain independent living	Quarterly	High	98.43%	98.70%	Not Updated	First quarter figures are currently unavailable as not enough data has been uploaded to the system to get an accurate result.
	NI 145	Adults with learning disabilities in settled accommodation	Monthly	High	52.90%	20.00%	20.00%	Performance on this measure has improved on the same point last year (20.0% against 14.1%). Although there was significant improvement on this measure in 2011/12, a stretching end year target of 70% has been set. The Team Support Service are currently looking at where there are opportunities to improve performance through better practice or data recording.
	NI 146	Adults with learning disabilities in employment	Monthly	High	7.00%	2.53%	2.53%	Performance on this measure has improved on the same point last year (2.53% against 1.5%). Work is ongoing to help support learning disabled people into work opportunities: for example, we are encouraging Work Placement Officers to further consider the use of assistive technology when arranging in-work support for customers.
Places & Organisation Capacity	NI 155	Number of affordable homes delivered (gross)	Quarterly	High	247 number	75 number	35 number	Target not met due to one scheme not completed in this quarter and will now complete in Quarter 2. Technical issues on site caused delay to practical completion.

**Corporate Scorecard Report for 2012/2013 Quarterly Reporting**  
(Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
	NI 157a	Processing of planning applications as measured against targets for major application types	Quarterly	High	31.30%	60.00%	63.00%	Target achieved. Total of 27 Major applications determined during Q1. * This figure is subject to very slight variance after the full auditing of our results and eventual submission to the DCLG
	NI 157b	Processing of planning applications as measured against targets for minor application types	Quarterly	High	51.70%	65.00%	77.00%	Target achieved. Total of 226 minor applications determined during Q1. * This figure is subject to very slight variance after the full auditing of our results and eventual submission to the DCLG
	NI 157c	Processing of planning applications as measured against targets for other application types	Quarterly	High	69.60%	80.00%	92.00%	Target achieved. Total of 739 Other applications determined during Q1. * This figure is subject to very slight variance after the full auditing of our results and eventual submission to the DCLG



**Corporate Scorecard Report for 2012/2013 Quarterly Reporting**  
(Organisation Summary June 2012)

Objective	Measure		Frequency	Polarity	Result 2011/12	Latest Data		Operational Comments
	Ref	Description				Target	Result	
Performance Measures 2012/13								
HR & OD	BV012	Working days lost due to sickness absence (cumulative)	Monthly	Low	9.16 days	2.00 days	2.55 days	Sickness levels in Quarter One exceeded the BVPI target of an average 2 days per employee by 0.55. This is also slightly higher than the levels that were reached in Quarter One 2011/2012, of 2.18 days. This is attributable to the first two months of the Quarter where absence levels were unacceptably high. In June however, the average number of days was recorded as 0.68 which was considerably lower than the levels reached in April and May (0.91 and 1.04 respectively) and also lower than June of last year when the average number of days was recorded as 0.82. An action plan to address sickness levels is in progress and reports have been submitted to CMT, Cabinet and Corporate Scrutiny Committee.  NB: All of the statistics quoted in this comment relate to the BVPI definition which includes schools ! this has been retained as a measure to enable the Council to compare its performance against that of other Local Authorities.

## CHESHIRE EAST COUNCIL

### Cabinet

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**Date of Meeting:** 20<sup>th</sup> August 2012  
**Report of:** Corporate Risk Management Group  
**Subject/Title:** Risk Management Policy Review  
**Portfolio Holder:** Councillor David Brown

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#### 1.0 Report Summary

- 1.1 The Council's risk management policy forms part of the overall internal control framework and corporate governance arrangements. An internal control system with risk management at its core will facilitate the effective and efficient operation of the Council by enabling it to respond appropriately to risks. This increases the likelihood of the Council achieving its strategic priorities.
- 1.2 The present risk management policy was last amended and approved by Cabinet at its meeting on 5 September 2011, and it was agreed that the policy be reviewed annually. During the year, queries and suggestions about the risk management policy were received and considered as part of the policy review. The Corporate Risk Management Group also considered whether the inclusion of the Business Continuity Strategy as a sub section of the risk management policy was appropriate or if this needed to be a separate policy. It was agreed that this should remain as a sub section of the Policy but that this be reviewed and updated for the next annual review by the Emergency Planning Team.
- 1.3 The outcome of the review was that although the risk management policy remained fit for purpose, a number of minor amendments could be made to strengthen the policy. The amendments are highlighted for ease of reference in the attached copy at **Annex A** to this report for consideration and approval. The updated policy has been reviewed by the Corporate Management Team and the Audit and Governance Committee.

#### 2.0 Decision Requested

- 2.1 Cabinet is requested to consider and formally approve the updated Risk Management Policy. The policy is to be reviewed annually.

#### 3.0 Reasons for Recommendations

- 3.1 The recession, economic environment and ongoing changes in the public sector bring about a heightened expectation in relation to the Council's risk management and corporate governance framework. Cheshire East

Council is publicly accountable and must be able to demonstrate effective management of the kinds of risks which threaten the achievement of its strategic objectives, the effectiveness of its operations, the reliability of its financial reporting and the security and value of its assets. It is important that Cabinet is aware of and has sufficient understanding of the key risks facing Cheshire East Council so that it may operate as effectively as possible and takes account of key risks when making decisions.

In order to form an opinion on the effectiveness of the Council's risk management arrangements, Cabinet needs to be assured that the Council publishes a clear risk management policy covering risk management philosophy and responsibilities.

#### **4.0 Wards Affected**

4.1 All

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

5.1 N/A

#### **6.0 Policy Implications including climate reduction and health**

6.1 Risk management is integral to the overall management of the authority and, therefore, considerations regarding key policy implications and their effective implementation are considered within departmental risk registers and as part of the risk management framework. A risk around carbon management and climate change has been included on the Council's significant risk register as a cross-cutting risk. A specific risk around health partnerships is included as a key corporate risk on the Council's corporate risk register.

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

7.1 None in relation to this report, a risk around financial control is included as a key corporate risk on the corporate risk register.

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

8.1 As well as the need to protect the Council's ability to achieve its strategic priorities and to operate its business, general principles of good governance require that it should also identify risks which threaten its ability to be legally compliant and operate within the confines of the legislative framework, and this report is aimed at addressing that requirement.

## 9.0 Risk Management

- 9.1 This report relates to overall risk management; Cabinet should know about the most significant risks facing the Council and be assured that the risk management framework (which includes the role and work of the Corporate Risk Management Group) is operating effectively. The content of this report aims to mitigate the following risk:-

Key Risk
That Cheshire East Council fails to properly develop, implement and demonstrate an effective risk management framework

## 10.0 Background

- 10.1 A copy of the updated Risk Management Policy is attached for comment at **Annex A** to this report; this includes a sub-section on Business Continuity.
- 10.2 The policy does not include details of the risk management process or the procedures and documentation. These are held separately and it is intended that these will be included in a risk management handbook or toolkit for staff and Members and will include information on risk management of partnerships and projects.

## 11.0 Access to Information

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

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 Designation: Head of Performance, Customer Services and Capacity  
 Tel No: 01270 686859  
 Email: [vivienne.quayle@cheshireeast.gov.uk](mailto:vivienne.quayle@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL - RISK MANAGEMENT POLICY

### 1.0 Introduction

- 1.1 A risk is concerned with a threat or a possible future event which will adversely or beneficially affect Cheshire East Council's ability to achieve its objectives. It is typically assessed using two dimensions, one of which is the impact of the threat or hazard. This represents the consequence of the threat or hazard on the Council's objectives. The second dimension is the frequency or likelihood of the risk occurring, this represents the probability of the threat or hazard happening.
- 1.2 Risk management is the process that informs strategic development through the identification and treatment of risk such that, objectives are more likely to be achieved, damaging actions or events are avoided or minimised and opportunities maximised.

### 2.0 Purpose

- 2.1 This risk management policy forms part of Cheshire East Council's internal control and corporate governance arrangements. The purpose of this policy is to clearly outline the council's commitment to risk management, describe the objectives of risk management and provide a framework for embedding risk management across the organisation, with defined roles and responsibilities and a structured process. Through the implementation and embedding of an effective risk management framework, Cheshire East Council will ensure that it is better placed to manage its performance, achieve its corporate objectives and provide an enhanced level of service to the community.
- 2.2 The following key principles outline the Council's approach to risk management and internal control:
- Council and Cabinet have responsibility for overseeing risk management within the council as a whole
  - an open and receptive approach to understanding the challenges of risk management is adopted by Cabinet and Council
  - the Chief Executive and the Corporate Management Team support, advise and implement policies approved by Cabinet and Council
  - the Council makes conservative and prudent recognition and disclosure of the financial and non-financial implications of risks
  - there will be a range of appetites and tolerance levels for different risks which will vary over time but these will be approved and communicated appropriately
  - the Senior Management Team are responsible for encouraging good risk management practice within their Service Areas
  - key risk scores and indicators of levels of risk are identified and closely monitored on a regular basis.

### 3.0 Commitment to Risk Management

- 3.1 Cheshire East Council is committed to adopting best practice in the identification, evaluation and cost effective control of risks to ensure that they are reduced to an acceptable level or eliminated, and also maximise opportunities to achieve the council's objectives and deliver core services. It is acknowledged that some risks will always exist and will never be eliminated.
- 3.2 All officers must understand the nature of the risk and accept responsibility for risks associated with their area of work, including an understanding of how reputation value for the Council is added or

lost. In doing this they will receive the necessary support, assistance and commitment from senior management and Members.

- 3.3 The council's risk management objectives are a long term commitment and an inherent part of good management and governance practices. The objectives need the full support of Members and active participation of managers.

#### 4.0 Benefits of Good Risk Management

- 4.1 Good risk management increases the probability of success, and reduces both the probability of failure and uncertainty of achieving Cheshire East Council's overall objectives.



#### 5.0 Objectives of the Risk Management Approach

- 5.1 The six key objectives of the approach to risk management are to:

- Embed risk management into the ethos, culture, policies and practices of the council.
- Ensure the council successfully manages risks and opportunities at all levels – strategic, operational, programme, project and partnership.
- Manage risk in accordance with all statutory and best practice requirements.
- Ensure that risk management is a key and effective contributor to Corporate Governance and the Annual Governance Statement.

- Ensure that risk management helps to secure efficient and effective arrangements to identify and achieve successful local and national priority outcomes.
- Embed an effective business continuity management framework to provide continuous service delivery in the event of an emergency.

5.2 These objectives will be achieved by:

- Establishing a risk management framework and risk management handbook for employees and Members.
- Clearly defining the roles, responsibilities and reporting lines within the council for risk management.
- Ensuring there is appropriate leadership and monitoring of corporate risks and key corporate project risks.
- Risk management being an integral part of and included in the council's processes, policies and documents, including service and project planning, writing reports and considering decisions.
- Providing advice, guidance, suitable information and training on risk management to employees and Members.
- Maintaining a hierarchy of risk registers, that are regularly reviewed and monitored, to demonstrate the management of risks linked to the council's business, corporate and operational objectives and to working in partnership. Working in collaboration with partners to ensure a joint successful approach to the management of risks.
- Using national and best practice guidelines on risk management and engaging in relevant risk management forums and benchmarking exercises to identify further opportunities for improvement in our approach to risk management.
- Providing opportunities for shared learning on risk management across the council and with other authorities, partners and stakeholders where appropriate.
- Heads of Service completing statements as to the effectiveness, or otherwise, of their systems for identifying, monitoring and managing corporate and operational risks.
- Ensuring that internal audit coverage is driven by a deep understanding of the risks, challenges and opportunities facing the Council. Some of the risks will be unique to individual services; others will be common to all services and other Authorities, giving opportunities for benchmarking.
- Preparing and testing contingency plans to secure business continuity where there is a potential for an event to have a major impact upon the council's ability to function.
- Identifying and seizing opportunities which risk management provides for the organisation.

## 6.0 Our Approach

- 6.1 It is essential that a single risk management approach be utilised at all levels throughout the authority. By effectively managing our risks and opportunities, which is all part of good governance, we will be in a stronger position to deliver our objectives, provide improved services to the public, work better as a partner with other organisations and achieve value for money. The council has closely integrated risk management into its planning and objective-setting process, enabling it to manage its risks in a more consistent, uniform way.
- 6.2 By integrating risk management with the council's strategic planning process and individual service delivery plans we are able to monitor risks to achieving the objectives, determine which risks have the most significant impact, and prioritise resource accordingly. This approach to risk management will inform the council's business processes, including:-



- Strategic planning
- Financial planning
- Service planning
- Policy making and review
- Performance management
- Project management
- Partnership working
- Internal Audit planning

- 6.3 For those with responsibility for achieving objectives, responsibility also lies in identifying and assessing risks and opportunities; developing and implementing controls and warning mechanisms; and reviewing and reporting on progress. The identified risks and relevant control measures will be recorded on the council's risk registers and will be monitored, reported and reviewed by the Corporate Risk Management Group.
- 6.4 Some objectives could be reliant upon external groups that the authority may work with, such as other organisations, partners, contractors etc. This partnership working could affect the achievement of an objective and therefore the risk management process will be incorporated into the way the council works within these partnerships through Partnership Protocols.
- 6.5 The management of risk will become an integral part of corporate policy decisions and the initiation of major projects, which will include a statement on risk to help inform the decision making process.
- 6.6 This will assist Members and Officers to ensure that new risks are detected and managed, by providing more detail on the process for managing risk, where each stage builds upon the other and provides basic practical guidance on how to identify, assess and treat risks, and monitor their progress. To assist with this approach to risk management and to ensure consistency across the authority, a risk management handbook will be prepared, reviewed on an annual basis and reported to the Audit and Governance Committee for approval and adoption.

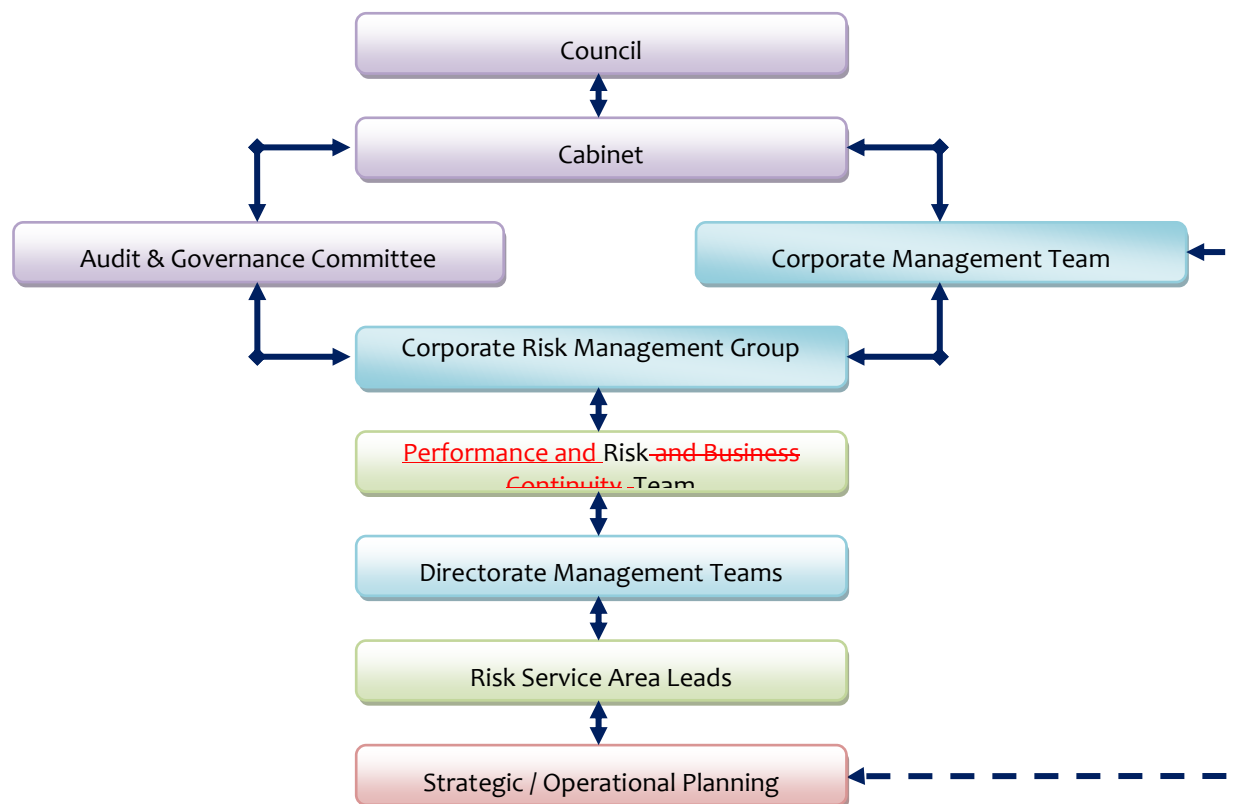
## **7.0 Risk Appetite / Tolerance**

- 7.1 Understanding and setting a clear risk appetite or tolerance level is essential to achieving an effective risk management framework and should be done before managers consider how to treat risks. Establishing and articulating the risk tolerance level helps to ensure that consideration in the way management, Cabinet and Council respond to risk is consistent and that there is a shared vision for managing risk. There are risks for which the Council is custodian on behalf of the public and the environment, where tolerance levels may be very low, and there may be risks with choices about investment in projects, research and delivery roles, where risk taking may be encouraged.
- 7.2 Cheshire East Council recognises that in pursuit of its objectives it may choose to accept an increased degree of risk. The council will establish and articulate risk tolerance levels for the differing areas of its business. Where the council chooses to accept an increased level of risk it will do so, subject always to ensuring that the potential benefits and risks are fully understood before developments are authorised, and that sensible measures to mitigate risk are established.

## **8.0 Roles and Responsibilities**

- 8.1 Responsibility for risk management should run throughout the authority. Clear identification of roles and responsibilities ensure the successful adoption of risk management and demonstrate that

it is embedded in the culture of the organisation. Everyone has a role to play in the risk management process. The council's reporting lines framework is shown on the diagram below:



8.2 A summary of the roles and responsibilities of groups and individuals in relation to risk management is given in the table below:-

Individual or Group	Summary of Role & Responsibilities
Council	Monitors, receives reports and assurance on risk management activity and management of corporate and significant risks. Approves risk appetite / tolerance levels. Approves the risk management and business continuity policies. Approves public statements on internal control and provides assurance on risk management to the public.
Cabinet	Oversees the effective management of risk throughout the council, ensuring officers develop and implement an all encompassing approach to risk management. <b>Responsible for identifying new corporate risks.</b> Monitor the content of the key corporate and significant risk registers and comment on mitigation as appropriate. Ensure that risks are fully considered when making decisions. Consider and endorse the risk management policy and risk appetite / tolerance levels for ratification by Council.
Audit and Governance Committee	Provide independent assurance on the effectiveness of the risk management framework and associated control environment, and independent scrutiny of the council's financial performance. Hold Members and officers to account to consider mitigating action for risks

Individual or Group	Summary of Role & Responsibilities
	and how appropriate / effective it is. Receive regular reports on the management of the top council risks.
Scrutiny Committee	Reviews the portfolios, Cabinet and organisational performance as a whole. Ensure that officers and Members discharge their responsibilities effectively and efficiently including the identification and management of risks.
Portfolio Holder - Lead	To take a strategic lead for risk management in the council, from a Member's perspective, promoting and supporting the development and implementation of the risk management policy and ensuring that Members take risk management into account when making decisions.
Corporate Management Team (CMT)	<u>Responsible for identifying new corporate risks.</u> Gain an understanding and promote the risk management process and benefits, oversee the implementation of the risk management policy and agree any inputs and resources required supporting the work corporately. Manage strategic and cross-cutting risks. Report to elected members on the management of risks. Monitor and consider the mitigating actions for significant new and emerging corporate and operational risks as escalated and reported by the Corporate Risk Management Group.
Corporate Risk Management Group (CRMG)	Assist the Council with the management of risks to achieving its strategic priorities and service delivery by reviewing all matters concerning the development, maintenance and implementation of the council's risk management framework, including monitoring and reporting arrangements. Identify and communicate risk management issues to CMT and services
Internal Audit	Challenge and test the risk management process, including the identification and evaluation of risk and provide independent assurance to officers and Members on the effectiveness of the risk management framework and internal controls. The audit coverage is driven by a deep understanding of the risks, challenges and opportunities facing the Council. Some of the risks are unique to individual services; others will be common to all services and other Authorities, giving opportunities for benchmarking. The programme of work is planned annually but constantly reviewed to ensure it remains up to date and appropriate and encompasses a wide range of financial and non-financial risks. The audits are creative, thoughtful and useful pieces of work. They provide robust assurance and offer pragmatic ideas for development.
External Audit	External audit provides feedback to the Audit and Governance Committee on the operation of the internal financial controls reviewed as part of the annual audit.
Section 151 Officer	Ensure that the risk management processes are considered as specified in the Finance Procedure Rules.

Individual or Group	Summary of Role & Responsibilities
<del>Performance and Risk and Business Continuity</del> Team	<p><u>The business planning and performance management process is used to set objectives, agree action plans, and allocate resources. Progress and performance towards meeting business plan objectives is monitored regularly, including the control and operational actions to mitigate risk.</u></p> <p>Receive all the approved top risks from local registers, senior management meetings and governance committees. Act as filters to eliminate duplicates and help with consistency. Collates and coordinates a comprehensive report for presentation to CRMG. Reports back to local level, CMT, Cabinet, Council, Audit &amp; Governance Committee, Scrutiny Committee and Corporate Governance Group. Facilitate regular meetings of Risk Service Area Leads . Share good practice and provide professional support, guidance and training across the council on risk management. Maintain the council's corporate and significant risk registers and the risk management system.</p>
Directors	<p>Ensure that risks are managed effectively in each service area in accordance with the risk management policy and procedure. Nominate and support a risk management representative to represent the Directorate on the CRMG and identify risk service area leads within the Directorate. Identify, analyse and prioritise directorate risks as part of the business planning process. Determine risk management action plans and delegate responsibility and control. Act as filter groups, identify and approve the top council risks, escalating emerging risks where these could have a significant and strategic impact. Consider risk as regular agenda items at DMT meetings reviewing the Directorate risk registers and monitoring progress.</p>
Service Heads and Managers	<p>The business planning and budgeting process is used to set objectives, agree action plans, and allocate resources. Identify, analyse and prioritise service risks as part of the business planning process. Progress and performance towards meeting business plan objectives is monitored regularly. Ensure that risk is managed effectively in their service area in accordance with the risk management policy and procedure. Produce, test and maintain Service Continuity Plans. Promote risk management and establish training requirements within service areas. Manage significant risks on a daily basis and report on mitigation.</p>
Risk – Service Area Leads	<p>Support the Directorate and Service Teams in maintaining local risk registers. Remind risk owners when risk update reports are required. Provide details of the top risks to the <del>Performance and Risk and Business Continuity</del> Team. Liaise with Directorate risk representatives to ensure operational and strategic risks are properly managed. Coordinate with the <del>Performance and Risk and Business Continuity</del> Team and other Risk Service Area Leads to ensure that risks affecting all services are managed cohesively. Align risk registers with relevant partners.</p>
Transformation and Project Managers	<p>Ensure that we are capable of delivering major and complex projects across many of our services and are key to achieving the council's objectives. Identify, analyse and prioritise project risks as part of the project management process. Ensure that project risks are managed effectively, throughout the life of the project, in accordance with the risk management policy and procedure. Report on mitigation and</p>

Individual or Group	Summary of Role & Responsibilities
	effectiveness and escalate project risks that could impact on the achievement of directorate and corporate objectives.
Other specialist risk support services: <ul style="list-style-type: none"> <li>• Insurance</li> <li>• Health &amp; Safety</li> <li>• Climate Change</li> <li>• Legal</li> <li>• Emergency Planning</li> <li>• Human Resources</li> <li>• Environmental</li> <li>• Communications &amp; Media Relations</li> </ul>	Advise Corporate and Directorate Management Teams on policies, procedures and implications of strategic and operational risk decisions. Ensure that risk management is embedded into business planning, operational and performance processes. Seek to develop a shared and consistent corporate approach to risk management so that the council can demonstrate a clear systematic assessment and control of risk. Protect and manage risks to employees and public, Council reputation and financial values.
<del>Planning and Performance Management</del>	<del>The business planning and performance management process is used to set objectives, agree action plans, and allocate resources. Progress and performance towards meeting business plan objectives is monitored regularly, including the control and operational actions to mitigate risk.</del>
Officers	Manage risk effectively in their roles, liaising with their line manager to assess areas of risk and identify new or changing risks.

## 9.0 Internal Control

9.1 The system of internal control incorporates risk management. This system encompasses a number of elements that together facilitate an effective and efficient operation, enabling the council to respond to a variety of operational, financial and commercial risks. These elements include:-

### a. Policies and procedures

Attached to significant risks are a series of policies that underpin the internal control process. The policies are approved by Cabinet and Council and implemented and communicated by senior management to staff. Written procedures support the policies where appropriate.

### b. Quarterly reporting

Comprehensive quarterly reporting is designed to monitor key risks and their controls. Decisions to rectify problems are made at regular meetings of the Corporate Management Team and Cabinet if appropriate.

### c. Business Continuity

The business continuity process is essentially risk management applied to the whole organisation and its ability to continue with its service provision in the event of a catastrophic event. The council has therefore developed a complimentary policy to the Risk Management Policy on Business Continuity to address this important aspect of risk management and is attached as **Appendix 1** to this Policy.

### d. Anti-Fraud and Corruption

The council has an anti-fraud and corruption strategy, which directs the council towards ensuring a professional and ethical approach to combating fraud. As part of the council's anti-fraud and corruption framework, the council also has an anti-money laundering policy, which directs the council towards ensuring a professional approach to combating money laundering.

e. *Whistleblowing*

Cheshire East Council is committed to the highest possible standards of openness, probity and accountability. Employees, Members, contractors, suppliers to or consultants with, the authority are often the first to realise that something wrong may be happening within. The Whistleblowing Protocol is intended to help those who have concerns over any potential wrong-doing within the council.

f. *Audit, Inspectorate and Accreditation reports.*

The Council makes reference to and acts upon the results of the work of the internal and external auditors and on information and recommendations received from other Council feedback mechanisms, including inspectorates, professional bodies and accreditation bodies.

**10.0 Document History**

Version	Date	Approved by	Minute Ref
V1	17 May 2011 7 June 2011 30 June 2011 5 Sept 2011	Corporate Risk Management Group Corporate Management Team Audit & Governance Committee Cabinet	minute para 39.2 minute Item 5 minute para 10 minute 53
V2	<a href="#">11 May 2012</a> <a href="#">12 June 2012</a> <a href="#">28 June 2012</a> <a href="#">20 Aug 2012</a>	<a href="#">Corporate Risk Management Group</a> <a href="#">Corporate Management Team</a> <a href="#">Audit &amp; Governance Committee</a> <a href="#">Cabinet</a>	<a href="#">minute para 7.1</a> <a href="#">minute item</a> <a href="#">minute para 60 (2)</a>

**Risk Management Policy - Appendix 1****CHESHIRE EAST COUNCIL - BUSINESS CONTINUITY STRATEGY****1.0 Purpose**

- 1.1 The purpose of this strategy is to clearly outline the Council's commitment to business continuity planning and its links to risk management. In addition it defines and clarifies roles and responsibilities.

**2.0 Background and Requirements**

- 2.1 The Civil Contingencies Act (2004) (CCA) provides the framework for Civil Protection in the UK, and places a number of duties on Local Authorities regarding preparation for and response to emergencies. Cheshire East Borough Council, as a Category 1 (front-line responder) is required to develop and maintain business continuity plans, so that key functions can continue to be delivered in an emergency. This also involves consideration of the resilience of those organisations on whom the Council relies to maintain key services, including any third parties who provide services on its behalf.
- 2.2 As well as implementing Business Continuity Plans, the CCA also requires Local Authorities to promote and provide general business continuity management advice to commercial and voluntary organisations in the area. This duty aims to enable local businesses to better maintain critical elements of their service and recover more quickly should an incident arise, therefore lessening the economic and social impact on the local community.
- 2.3 Business continuity management (BCM) is a planned process aimed at managing the many and varied operational risks inherent in the day-day activities involved in delivering services, and, therefore, it is an essential element of risk management, helping to create a resilient organisation and one which is able to provide continuous service delivery and effective use of resources. Effective risk management can reduce the likelihood of an incident occurring, whilst business continuity planning can reduce the impact if it does occur. As well as increased resilience, there are many benefits to having a structured and consistent BCM process in place:
- Credibility – protecting and enhancing the reputation of Cheshire East Borough Council.
  - Supporting corporate governance and the requirement to produce an Annual Governance Statement
  - Reduced costs – protecting assets, working more efficiently, reducing recovery cost, assurance of third party providers of services (who may be required to demonstrate effective resilience as part of any tender for business), lower insurance premiums, where the Council can demonstrate proactive management of continuity risks.

**3.0 Objective of the Strategy**

- 3.1 The objective of this strategy is to set out the requirement for Cheshire East Council to take steps to ensure that, in the event of a service interruption, essential services will be maintained and normal services restored as soon as possible. To ensure that this happens, the Council must have in place robust business continuity and service recovery plans that are regularly reviewed and tested. In addition, the Council will promote and provide business continuity advice to local businesses and voluntary organisations, in order to ensure, in conjunction with the Joint Cheshire Emergency Planning Service, that the Cheshire East region is well prepared for any unforeseen events.

#### 4.0 Implementation and Responsibilities

- 4.1 Business continuity requires senior management commitment and support, and dedicated resource allocated within the Authority to ensure that plans are developed, maintained, reviewed, and, most importantly, tested, so that they are fit for purpose. It also needs to be built into the change management process to ensure the implications of any change are fully considered prior to implementation and that resilience is built into the project deliverables.
- 4.2 Because business continuity is an essential element of risk management, it will be managed as part of the Cheshire East Risk Management Policy, and responsibility for its delivery will be incorporated into the roles outlined in the Risk Management Policy.

**Members and Portfolio Holder Strategic Lead** – ensure an effective Business Continuity Policy is in place.

**Cabinet** – receive monitoring reports and annual report on the progress of Business Continuity within the Council.

**Audit and Governance Committee** – provide independent assurance of the adequacy and effectiveness of the Council's resilience as part of the Risk Management framework.

**Directors and Chief Officers** – ensure the production, communication, review and testing of Business Continuity plans for their Directorate/Services and ensure all staff are fully aware of these plans.

**Corporate Risk Management Group** – monitor the progress and status of business continuity planning and the Council's level of resilience. Report quarterly to the Corporate Management Team, Cabinet and ~~the Audit and Governance and Constitution~~ Committee.

~~**Directorate Risk Management Groups** – coordinate the Directorate's business continuity planning response and report quarterly on its progress and status to the Corporate Risk Management Group.~~

~~**Risk and Business Continuity Emergency Planning Team**~~ - Provide training, support, guidance and advice, as well relevant templates and documentation to aid the planning process. Provide support in the coordination and implementation of testing. Liaise with ~~the Joint Cheshire Emergency Planning Team and~~ the Cheshire Local Resilience Forum, to ensure that the Council is aware of and fully incorporated into the regional emergency and continuity planning processes. Lead in the promotion of business continuity planning to local businesses and voluntary organisations.

#### **Internal Audit**

Provide an independent assessment of the robustness, or otherwise, of the Business Continuity Plans within Services.

#### **Other members of staff**

Ensure that they are fully aware of the Business Continuity Plans for their particular area of work, and take proactive steps to improve resilience wherever possible.



**5.0 Developing Plans**

- 5.1 **Understanding the operation** – Business impact analyses (BIA) need to take place to identify and agree critical processes or services and the potential damage or loss that may be caused to the Council and the community as a result of a disruption. A BIA must consider the minimum level of staffing, skills and resources required to enable essential services to continue operating at a minimum acceptable level. Following this, risk assessments must be undertaken to identify internal and external threats to the Council, the likelihood of these occurring, and therefore the potential impact.
  - 5.2 **Strategies** – strategies must be developed to offset the identified risks, e.g. eliminate single points of failure, implement better controls, etc.
  - 5.3 **Developing and implementing plans** – these must be documented and available for use within any type of emergency incident. They must also include ‘stand-by’ arrangements, including accommodation and specialist equipment, as well as IT systems and telecommunications. They need to tie in with plans already in place, such as the Cheshire East Council Major Emergency Plan and the Emergency Rest Centre Plan.
  - 5.4 **Building and embedding a BCM culture** – there is a need to have an effective education and awareness programme in place to ensure that all staff are fully aware of the impact of an unforeseen event, and their roles and responsibilities in a recovery situation.
  - 5.5 **Exercising, maintenance and audit** – there must be a regular testing programme in place within Directorates and Services, to ensure that the critical components of the plans are exercised.
- 6.0 Review**
- 6.1 This strategy will be reviewed on an annual basis alongside the review of the risk management policy.

## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> Aug 2012
<b>Report of:</b>	Strategic Director Place and Organisational Capacity
<b>Subject/Title:</b>	Review of Service Delivery Options
<b>Portfolio Holder:</b>	Councillor Rod Menlove

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#### 1.0 Report Summary

- 1.1 This report outlines potential service options for the recycling and waste service post April 2014. The report is based on legal advice to the Council from Bevan Brittan LLP, a public services law firm.
- 1.2 The recycling and waste collection services are currently operated in house (i.e. by the Council without the use of an external collection contractor) whereas the treatment and disposal elements are contracted out to a range of private sector providers. Following the completion of a transformation program to deliver efficiencies to the in-house collection service this report outlines potential options going forward following the end of the existing contracts.
- 1.3 This report describes an initial preferred delivery option and seeks a decision to appoint consultants to carry out a more detailed analysis on the preferred option and to work with the council to procure recycling and waste services from April 2014.

#### 2.0 Decision Requested

- 2.1 Cabinet is requested to give their agreement to the procurement of a suitable technical consultant to review the existing service delivery arrangements and work with the Council to procure service delivery from April 2014. (subject to the funding set out in para 7.4 below being agreed by the Cabinet as part of the First Quarter Report on 20<sup>th</sup> August 2012).
- 2.2 The Cabinet is asked to support an 'Integrated procurement' as the initial preferred procurement option subject to the work of the technical consultants referred to in 2.1 above.

#### 3 Reasons for Recommendation

- 3.1 To provide continuation of the recycling and waste service beyond the end of existing disposal and recycling contracts in April 2014. (The residual contract is in its extension period and can not be extended further)

- 3.2 To ensure Cheshire East Council achieves best value for provision of the recycling and waste service and seeks to reduce its operational costs as much as possible.
- 3.3 To explore alternative delivery options that will maximise value from our current waste streams and replace our current landfill disposal dependency.
- 3.4 To explore alternative methods of delivering continued improvement to the reuse and recycling systems such as through the collection of food waste and increasing recycling and reuse in partnership with the charitable sector.

#### **4 Wards Affected**

- 4.1 All Wards are affected.

#### **5 Local Ward Members**

- 5.1 All Local Ward Members

#### **6 Policy Implications**

- 6.1 Our Sustainable Community Strategy and Joint Municipal Waste Strategy seek to manage waste more sustainably promoting waste prevention, reuse and recycling.
- 6.2 Objective 7 in the Councils 2012 – 15 business plan. This requires the Recycling and Waste Service to review, assess and evaluate waste collection, treatment, and disposal to provided information about future options.

#### **7 Financial Implications (Authorised by the Director of Finance and Business Support)**

- 7.1 The review of service delivery will aim to assess the most efficient, cost effective way of continuing to deliver the recycling and waste service and delivering improvements required in disposal methods and recycling provision.
- 7.2 Based on similar waste procurement projects, it is expected that there could be savings in the order of 10% (circa £2m) against the existing forecast Waste and Recycling budgets for 2014-15 (£21m net) covering waste collection, treatment and disposal should the services be provided from the private sector. As set out in para 10.2.5 below, should the proposed food waste collection option prove to be financially viable, the expectation remains that overall savings of circa £2m against the existing forecast 2014-15 budget would be achievable.

- 7.3 Subject to Cabinets agreement to the recommendations set out above, a separate report on the review of existing arrangements, proposed business case, financial implications of the full procurement exercise costs and future savings should be reported back to the Cabinet at a future date after conclusion of the review and included as part of the business planning for 2014-15 onwards.
- 7.4 The estimated total cost for the procurement project covering technical, legal and financial consultants, based on the recent procurement activity in Highways, is believed to be in the region of £800k over a 2 year period, split roughly  $\frac{2}{3}$ <sup>rds</sup> for external technical and financial support and  $\frac{1}{3}$ <sup>rd</sup> external legal assistance.
- 7.5 As part of the First Quarter Review (FQR) £800,000 for this work has been identified within the Places & Organisational Capacity (POC) Directorate as additional funds required for the Waste Procurement Project, funded in part through net under-spends against POC 2012-13 investment items (£327k) with the balance £473k being an offset by other remedial actions planned by the Directorate..

## **8 Legal Implications**

- 8.1 Existing contracts with the exception of the Household Waste Recycling Centres have been aligned to end March 2014 to remove contractual barriers to future delivery options.
- 8.2 Alternative delivery options are certain to involve HR issues and raise the possibility of TUPE transfer of the majority of Recycling and Waste staff to a private sector provider. However, an appropriate client team will need to be retained by Cheshire East to drive the strategic direction of the services forward and to continually seek to improve services through careful contract monitoring and management.
- 8.3 Alternative delivery options may involve transfer and or leasing of capital assets such as vehicle fleet and depots currently supporting the recycling and waste service.
- 8.4 The procurement of consultants whether technical, financial or legal should be discussed with the Procurement Unit and Legal Services to ensure that commissioning complies with the Regulatory Framework, Council's FPR's and best value is achieved.

## **9 Risk Management**

- 9.1 Undertaking a scoping study is likely to make public the Council's investigation into alternative delivery options with potential implications for unions and the existing work force. Early and continued engagement of unions and the existing workforce is of paramount importance in such large, transitional projects.

## **10.0 Background**

### **10.1 Current Service**

#### **10.1.1 Waste collection**

The current collection service is provided in-house directly by the Council and is delivered from a depot at Commercial Road, Macclesfield in the North and a depot at Pym's Lane, Crewe in the South. The service includes the provision of a three bin system covering recyclables, garden waste and residual material. This system was introduced in 2011 and replaced the previous systems used in each of the 3 borough councils.

#### **10.2.1 Recyclables**

A silver bin is currently used for the collection of co-mingled recyclables. This bin is emptied on an alternate weekly basis. The recyclables are sent to UPM's Shotton Materials Recycling Facility for sorting having been bulked up at the transfer stations at Pym's Lane by the in-house team and at Moss Lane, Macclesfield by Henshaws.

The UPM Recyclables Contract is scheduled to expire on 13 March 2014. This Contract has the option to be extended for up to 3 years.

#### **10.2.2 Garden waste**

Garden waste is currently collected on an alternate weekly basis by the in-house team. This waste stream is then directly delivered by the in-house team to transfer stations and/or composting sites.

The Council has a contract with CRJ Waste Services for the management and subsequent composting of the garden waste. This contract is scheduled to expire on 13 March 2014. There is an optional extension period of up to 3 years.

#### **10.2.3 Residual waste**

Residual waste is also collected on an alternate weekly basis by the in-house team in a black wheelie bin. Residual waste is then directly delivered to the WRG landfill sites at Danes Moss and Maw Green.

The Landfill Disposal Contract with WRG was due to expire on 31 March 2012. This has now been extended until 31 March 2014. This Landfill Disposal Contract cannot be extended any further.

#### **10.2.4 HWRC's**

The HWRC sites are currently managed by HW Martin. This Contract was let in February 2008 and is not due to expire until 31 March 2018.

### **10.2.5 Food waste**

Food waste is currently not separately collected. The Council is currently looking at the options for the future separate collection and management of food waste. These proposals are subject to approval of a Portfolio Holder Decision (on 6<sup>th</sup> August 2012) whereby on approval Cheshire East Council will progress a bid £3.8 million to Central Governments Weekly Collection Support Scheme to introduce weekly Food Waste Collections from May 2014.

It is anticipated however that the additional running costs of this service (+£2m forecast) will form part of this alternative delivery options proposal through an Integrated Procurement. However, the food service would only be rolled out from 2014 as part of an alternative service delivery option on the basis that a 10% (£2m) saving is achieved against existing forecast budgets for 2014-15.

In the event of a successful bid to the communities fund but where the business case for the chosen service delivery options subsequently was not able to accommodate food waste collection within the existing budget envelope, the project for weekly food waste collections would be discontinued.

## **10.3 Options going forwards**

It is clear that the Council has aligned the UPM Recycling Contract and the CRJ Garden Waste Contract so that they come to an end at the same time as the expiry of the Landfill Contract with WRG. As the Waste collection service is currently run in-house and the Waste services contractual commitments (other than for the HWRC's) are due to terminate in March 2014, the Council has an opportunity to reconfigure the way Waste services are delivered in the future. A summary of some of the options are set out below:

### **10.3.1 Outsourcing the Collection Services**

A key question for the Council is whether there are benefits (technical, environmental, legal and financial) in procuring collection services from the private sector.

From a legal perspective, any outsourcing would need to consider (amongst other things) the choice of procurement, contract length and scope, TUPE/pension issues, property matters, the performance/incentivisation regime and of course the pricing mechanism.

In relation to procurement choice, we would propose that the competitive dialogue procedure be used. This procedure can be accelerated and managed on a tight timescale so that only key issues are dialogued with bidders, rather than the process becoming a "free for all". This enables the procuring authority to secure the optimal value for money solution for

its circumstances, rather than being constrained by a restricted procedure process where there is limited scope for dialogue or negotiation with the bidders. A competitive dialogue process for this service could be completed from OJEU to contract signature in 12-18 months, with the new service commencing approximately 6 months later to allow for mobilisation and vehicle orders.

A practical benefit of procuring this service from the private sector is that the need for an appropriate depot/transfer station in the North of the locality could be left to the waste market to determine.

The private sector market for such services is healthy with a combination of established waste players such as Sita, Veolia Environmental Services, Focsa (now rebranded as FCC Environment), Biffa/Greenstar, and newer players such as Enterprise, May Gurney, Serco and Kier.

Procuring this service could be achieved in different ways, including through an integrated procurement (see paragraph 3.2) or a separate procurement (see paragraph 3.3)

### **10.3.2 Integrated procurement**

The Council could commence a procurement for the delivery of all of the Waste services on an integrated basis. This would result in one contractor providing the full service from the kerbside to any residual waste treatment outlet. The service would therefore cover Waste collection, recycling, composting/anaerobic digestion, haulage and residual waste treatment. Such local authority integrated projects already exist across the UK and are also currently being procured in other localities such as Telford.

The key benefit of such a solution will be the potential economies of scale which may be achieved by one contractor delivering the whole waste solution to the Council. In addition there will be fewer practical and contractual interfaces for the Council to manage between different elements of the service. However, the potential contractors who may bid for such a service are limited to a relative few established waste contractors (although other bidders may establish consortia to deliver such a service).

Again, competitive dialogue would be the appropriate procurement route. In this case the initial procurement phase could be delivered in a time period of 18 months if the Council is clear on its requirements, has an efficient decision making process and takes a pragmatic view on commercial/legal risks.

### **10.3.3 Separate or semi-combined procurements**

The Council could re-let separate contracts for co-mingled recyclables, garden waste/food waste management, residual waste treatment and any new outsourcing of the waste collection service.

A benefit of letting these contracts separately is that the Council may have the benefit of a greater number of bidders bidding for each contractual opportunity and each procurement would consequently be simpler.

If separate procurements are undertaken, the Council would need to determine under which procurement any transfer station/bulking provision will be provided. Whilst currently the Council's Waste service is delivering with the limited arrangements, going forwards greater flexibility may be required for transfer/bulking points for recyclables, garden/food and residual waste.

Whilst any recyclables processing, garden or food waste service could be procured separately as individual contracts there may be economies of scale of combining the responsibility for these services with any outsourcing of the waste collection service. Alternative combinations may also exist with residual waste treatment.

The options with separate and semi-combined procurements requires detailed review and this is only an initial view of the options.

### **10.3.4 Retaining the in-house service**

The Council could continue to provide the waste collection services in-house. This would avoid the risks associated with appointing a private sector contractor to operate a key service such as Waste and any TUPE/pensions concerns. The Council would however need to carefully consider any cost savings may be missed as a result of choosing this option. It should be noted that any further cost savings are from retaining the service in house are not likely to be significant given the service redesign already undertaken by the council.

With this approach the Council would then need to determine whether the Recyclables Contract and Garden Waste Contract should be separately re-let or whether it should be combined with any residual waste treatment procurement.

Again there are several options here and this requires a detailed review with the input of special waste technical, financial and legal/procurement teams.



#### **10.3.5 HWRC services**

Whilst the current HWRC services do not expire until March 2018, this could be incorporated by legal mechanisms into any procurement for an integrated service under paragraph 3.2, under any separate procurements under paragraph 3.3 or with any arrangements involving retention of the in-house service under paragraph 3.4.

#### **10.3.6 Contract Length**

In relation to any procurement decision whether integrated, separate or semi-combined, contract length needs careful consideration. Clearly longer term contracts give the private sector financial certainty and consequently should deliver keener pricing. However, this may limit flexibility and hinder the ability of the Council to push up recycling performance over the medium to long term.

In light of the potential presence of waste treatment infrastructure capacity in and around the North West (resulting in potential spare capacity), there is not an automatic need to seek entry into 25 year PFI type contracts for waste treatment purposes.

In respect of separate waste collection procurements, the driver tends to be vehicle renewal periods and therefore these are usually structured around 7 year terms.

Finally, as the existing Landfill contract is due to expire in March 2014, this date should in itself not be the driver for determining the Council's approach and strategy for the future. For example, this risk could be managed by a running short term (say a 2 year) procurement for waste treatment/landfill and extending out the co-mingled recyclables and garden waste service contracts. This would then give the Council more time to determine the way forward and run appropriate procurements over reasonable time periods.

#### **10.3.7 Arms length company**

An alternative for the Council would be to create an arms length company to provide Waste services in the locality. The scope of the services could be comprehensive and include collection, recycling, composting and treatment or could be limited to a narrower range of say the collection services only.

This is an option that has been attractive for local authorities who have concluded not to utilise the private sector market in the traditional way but who still wish to achieve savings, for example the district authorities in Gloucestershire or the London Borough of Harrow.

Transferring the function to a separate company can facilitate the service being delivered on a more commercial basis free from the restrictions of

local government decision making and allows for flexibility around staff terms and pensions. Whilst these, and other, potential efficiencies and savings mean there can be advantages in operating a wholly owned company, in most instances the arrangement is seen as an interim step.

The typical longer term aims for any local authority going down this route would either be for other authorities to join the company (and awarding it contracts for waste functions), thereby creating greater economies of scale and efficiencies, or for the company to be “spun-out” at some point in the future either as a social enterprise / staff-mutual or to the private sector. In the latter case the use of a wholly owned company allows the local authority to assess the viability of the function as a stand alone business and the company to build up experience and a trading history before moving to an entirely independent operating model.

## **11.0 Access to Information**

Food waste bid paper. Portfolio holder decision 6<sup>th</sup> August 2012  
Bevan Brittan advice note dated 27<sup>th</sup> July 2012.

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## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Stephen Irvine, Development Management and Building Control Manager
<b>Subject/Title:</b>	Cheshire East Planning Guarantee and Improvements to the Development Management Service
<b>Portfolio Holder:</b>	Councillor Rachel Bailey

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#### 1.0 Report Summary

- 1.1 It is proposed to work towards the introduction of a 'Planning Guarantee', designed to ensure that no planning application dealt with in Cheshire East should take longer than one year to reach a decision from validation. This is intended to improve overall planning performance and deal with perceived delays on the part of applicants in the delivery of "Section 106" planning obligation agreements.
- 1.2 This scheme will follow a range of interventions over the past twelve months which have improved planning performance including:
- The introduction of the pre-application advice service in October 2011 has had positive feedback from Members, applicants, developers and agents, has provided a structured approach to engaging with the Council and ensures consistency of service.
  - Improvements to the registration process and weekly monitoring of performance by the Portfolio Holder and Senior Officers has resulted in a major improvement of performance in the front end of the planning process.
  - Major improvements to our Planning Portal and website which have just been launched.
  - All legacy and current Section 106 agreements are now recorded and managed. Project management arrangements are in place across the Council to spend all legacy commitments. A process for local member involvement has been agreed. Arrangements between services to improve communication for new and ongoing cases are being examined and improved.
  - Performance reporting on enforcement action will be reported to Environment Scrutiny every six months. Further improvements are ongoing with links to wider regulatory services.

## **2.0 Decision Requested**

- 2.1 That Cabinet agree to work towards the introduction of a Planning Guarantee scheme on a phased basis from September 2012, subject to agreement with developers at the Council's Development Forum and subject to the points raised in the legal implications below.
- 2.2 That improvements to date and the significant increase in performance is noted.

## **3.0 Reasons for Recommendations**

- 3.1 To improve overall planning performance and ensure Cheshire East is at the forefront of Government policy.
- 3.2 To assist in the process of negotiating and concluding S106 legal agreements and to respond to concerns of developers in dealing with larger schemes which require S106 legal agreements.
- 3.2. To promote the view that Cheshire East is 'open for business' and is seeking to ensure that its processes are as streamlined and effective as possible.
- 3.3. The proposal is in line with current Government thinking around such planning issues.

## **4.0 Wards Affected**

- 4.1 All

## **5.0 Local Ward Members**

- 5.1 All

## **6.0 Policy Implications**

- 6.1 The proposal is line with currently Government planning policy.

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

- 7.1 There is no cost associated with this proposal for the Council.

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

- 8.1 Whilst some S106 planning agreements can be and are concluded relatively quickly, others take longer in practice to complete. Reasons for this relate not only to complexity of some matters and finite legal resources available to handle them, but can also include dilatoriness on the part of applicants themselves, as well as the fact that developers, who understandably approach the transaction from a commercial perspective, often very robustly attempt to

negotiate the very least onerous terms possible for themselves, which conflicts with the Council's requirements from a public infrastructure and finance perspective, and which are set out within its planning decisions. This often leads to protracted correspondence and negotiation which takes time. This is frequently perceived as delay on the part of the Council, but this is not always a justified view. Developers may also provide initial drafts, in the mistaken belief that this is likely to produce a swifter conclusion, but these often prove to be unacceptable to the Council as they fail to provide the Council with the necessary safeguards.

- 8.2 It should be noted that the introduction of any deadline for the completion of S106 agreements must also allow for the fact that developers will sometimes seek to delay the completion of agreements simply because from a commercial perspective a speedy completion at the particular time is not desirable for them, since it would trigger the grant of planning permission and the commencement of the deadline for development to be begun. Also, developers will not always be aware (or necessarily agree) that other third parties ought to be included into agreements in order to properly protect the Council's legal interests and future ability to enforce agreements, in addition to which queries on legal title to land can be complex and require careful checking to ensure that no last-minute or otherwise unknown changes to ownership, of which the developer may not have notified the Council, risk rendering agreements ineffective or unenforceable in the future.
- 8.3 Current arrangements to improve the processes and communications between planning and legal services are completely supported, and should serve to decrease the amount of time spent in clarifying initial instructions and subsequent queries as between officers of different disciplines. Template agreements intended to be used as a starting point for most types of obligation have also been developed, and these should assist speed in terms of providing initial drafts. However, as explained above, the process of completing agreements is a two way one, and any time guarantees must build in safeguards to ensure that the Council does not commit itself to unilateral promises which could undermine its ability to enforce planning obligations which have been properly decided, through the planning decision making process.

## **9.0 Risk Management**

- 9.1 If a "blanket" guaranteed timescale for S106 agreements was introduced without regard to the issues outlined in 8.0 above, this would risk committing the Council to completing agreements without the necessary safeguards to ensure future enforcement, if necessary, would be successful. This would be unacceptable because it could result in development taking place without the necessary wider infrastructure or funding being in place.

## **10.0 Background and Options**

### **Background - Planning Reform**

- 10.1 In *The Plan for Growth* government statement, issued alongside the 2011 Budget, the Government announced a programme of measures to simplify and streamline the system for determining planning applications. This reflected wider ambitions to reform the planning system so that it is simpler, swifter and more positive in its outlook and operation. To that end, the government published the *National Planning Policy Framework in March 2012*, central to which is a new '*presumption in favour of sustainable development*' that is aimed to permeate both plan-making and decision-taking.

### **Background – The Planning Service in Cheshire East**

- 10.2 The Planning Service within Cheshire East is high profile and key to delivering corporate objectives relating to growth, development and overall customer satisfaction.
- 10.3 LGR presented major challenges in integrating three separate planning systems into a Cheshire East service and a complete transformation is nearing completion in terms of IT systems / planning processes and upgrading of the website and Planning Portal.
- 10.4 Cheshire East remains one of the busiest planning authorities in the Country and, despite current economic conditions, we are dealing with in excess of 4000 applications per year.
- 10.5 The service has made year-on-year financial savings over the past three years reducing the overall cost to the Council by at least £1m. The Development Service is likely to be in profit in 2012-13.
- 10.6 Planning performance suffered on 2011-12 due to a number of factors including technical problems associated with the transformation programme, financial pressures reducing staff resources and the fact that the team have been dealing with a major backlog of applications and legacy issues inherited from previous authorities.
- 10.7 Recent discussions with Members at Environment Scrutiny and agents and developer at a Developers Forum meeting highlighted a number of positive steps that the Council has taken recently to improve performance and some outstanding issues.
- 10.8 Performance is now above national standards. First quarter figures for 2012-13 reveal the Council's performance to be 63% for majors, 77% for minors and 92% for others. The overall percentage of cases cleared in time was 88%. However, our aspiration is to be a flagship authority for planning services. This paper sets out ongoing improvements and

proposes new measures to increase overall performance and satisfaction.

### **Speeding up planning applications**

- 10.9 As well as making policy simpler and clearer, local authorities were encouraged to make sure that the processes that applicants have to go through, to obtain planning permission, are as streamlined and effective as possible and that decisions are made in good time.
- 10.10 The Government acknowledged that the majority of applications are determined within the statutory periods (13 weeks for major applications, 8 weeks for others) and that less than 5% take more than one year. In Cheshire East, in the last quarter (April-June 2012), the overall percentage of cases cleared in time was 88% (873 applications were determined in time, 119 out of time).
- 10.11 No planning application which did not require a legal agreement took longer than a year in Cheshire East in 2011-12. However, unfortunately a small minority with legal agreements take a considerable time to determine, to the dissatisfaction of developers. This is a fact that was evidenced at both of our recent Developers Forums where it was a significant cause of complaint. It should be noted that the Council is not simply failing to progress these agreements and Section 8.0 above provides comment on the causes of some agreements taking longer to complete than some developers would like.
- 10.12 As part of *The Plan for Growth* statement, the government said that they were considering the introduction of a 'Planning Guarantee', designed to ensure that no planning application should take longer than one year to reach a decision.
- 10.13 Whilst the government are still considering their options on this policy change, Officers consider that this idea is a positive one subject to the issues raised in 8.0. Cabinet approval is therefore sought to work towards the introduction of a Cheshire East Planning Guarantee, in advance of a government imposed one.

### **The Cheshire East Planning Guarantee**

- 10.14 It is proposed that the Cheshire East Planning Guarantee would establish a clear time limit within which an application should be dealt with. We concur with the Government's initial thoughts that the Council should ensure wherever possible that an application should be dealt with by the Council within one year of its receipt in all instances, barring appeals, subject to the comments in 8.0.
- 10.15 Planning appeals cannot be included because their timetables are dealt with by an outside body (the Planning Inspectorate). As such, it is not possible for the Council to deliver on dealing with appeal cases



within one year of receipt of an application as we have no control on the timetable set by them.

- 10.16 The introduction of the Cheshire East Planning Guarantee would not alter the statutory requirements for local authorities to determine planning applications within 8, 13 or 16 weeks depending on the type of case, or the right for applicants to appeal if cases are not determined within those timescales. However, it would establish some limits so that a one-year guarantee could be met.
- 10.17 We envisage that for individual applications, the clock would need to start when a valid application is received by the Council and would stop when the application was determined and a decision notice issued.
- 10.18 The guarantee would need to exclude periods when progress on the application is not in the control of decision takers principally:
- Pre-application discussions,
  - The time between a refusal and any decision by the applicant to appeal.
  - As outlined in 8.0 above
- 10.19 Applications handled via a planning performance agreement would also be excluded, as such agreements already offer more certainty for the applicant about the timescale for determining their application.

### **Consequences of its implementation**

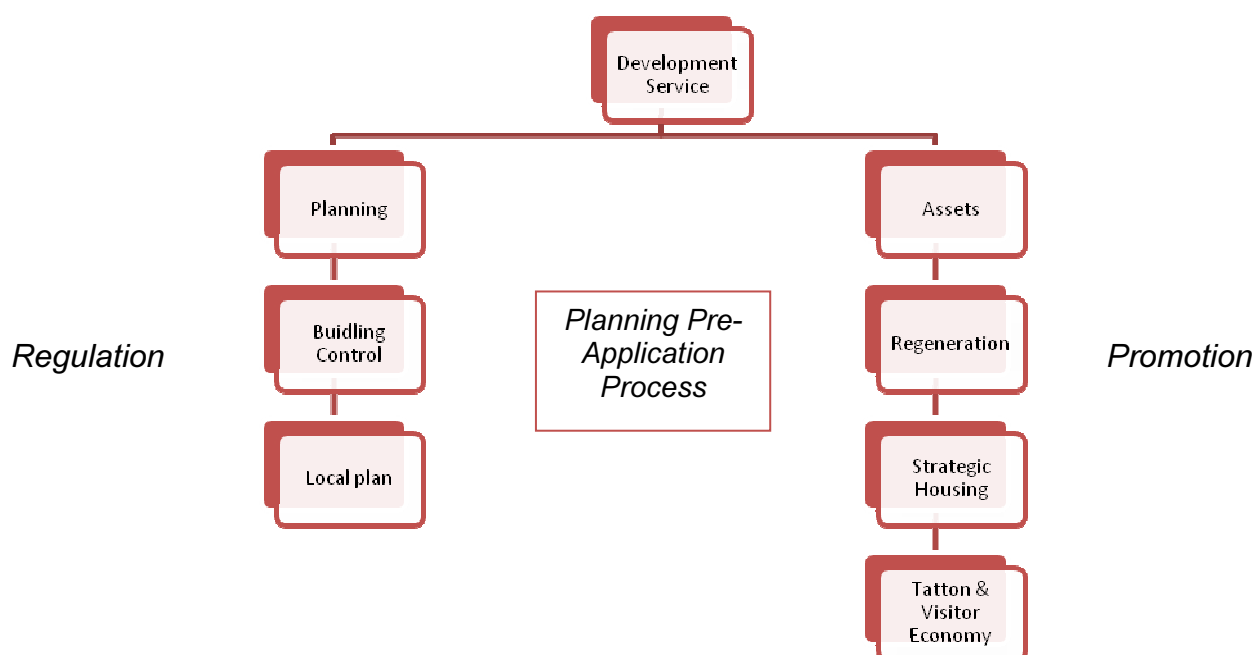
- 10.20 We want to make sure that existing performance levels are improved and sustained, particularly as the economy picks up and the volume of planning applications increases. We also want to ensure that people are able to assess how their Council performs against performance targets, using performance information that is available from us (all Council Planning Departments have to produce performance data every quarter). Working towards the introduction of the guarantee will help in this respect.
- 10.21 However, in order to be a guarantee, it is important that applicants feel that there are consequences where the required timeframe is not met. As part of the introductory process and to provide this confidence and incentivise improvement, the Council will consult its Developers Forum in the autumn on further measures that may be needed to improve the timeliness of decisions and to deal with specific cases where the 12-month Guarantee is not met.
- 10.22 It is anticipated that working towards the implementation of the guarantee will introduce rigour into the process of preparing and completing legal agreements and will subsequently put pressure on staff and developers to deal with them quickly and efficiently. However, such

rigour is already in built in the planning system through its 8, 13 and 16-week national performance targets (all of which the Council reached in the first quarter of 2012). Furthermore, it is unlikely to involve more than 120 cases a year (the maximum number of major applications with legal agreements the Council would expect within one year).

- 10.23 For information, the Council dealt with 4082 applications in 2011-12, of which 113 were major applications.

### ***Pre-application Advice***

- 10.24. The introduction of the Pre-Application Advice service in October 2011 has had positive feedback from Members, applicants, developers and agents. It provides a structured approach to engaging with the Council and ensures consistency of service. The Development Service has clear protocols in place for all internal Planning Applications to undertake formal Pre-Application Advice, and clear lines of accountability to separate the regulatory from promotional development functions.



### ***Registration/Business Support***

- 10.25. Recent improvements to the registration process and weekly monitoring of performance by the Portfolio Holder and senior officers has resulted in a major improvement of performance in the front end of the planning process. A 14-day target for registration has been introduced and the team are consistently meeting this target. A major review of how this part of the service operates will take place during 2012/13 which will look at new models of delivery and ways in which customer access can be improved.

### ***Website/Planning Portal***

- 10.26 Major improvements to our Planning Portal and website have just been launched resulting in a big improvement to customer access and transparency. Work is ongoing to produce protocols for the level of information to be made available publicly through the consultation process – a working group of agents/developers will be involved in drawing up the protocols.

### ***Section 106 Monitoring – legacy monies***

- 10.27 All legacy and current Section 106 agreements are detailed and managed on one spreadsheet and has been reviewed in detail by the Sustainable Communities Scrutiny committee. Project management arrangements are in place across the Council to spend all legacy commitments. A process for local member involvement has also been agreed. The Council will also introduce further improvements to 106 arrangements which will include recovery of costs associated with Monitoring arrangements.

### ***Outstanding Issues & Proposed Solutions***

#### ***Member Engagement / Communication***

- 10.28 There are ongoing improvements to Member and overall communication within the planning service, although longstanding cultural and systemic issues still remain in some areas. The NPPF helps to reinforce the need for ongoing local member input as the focus on localism increased and the predetermination issues are not so prevalent.
- 10.29 It is essential that Members are updated on ward issues and applications that have been called-in and the current systems of self access are being reviewed to ensure a more pro-active approach using IT prompts where possible.

#### ***Highways / Planning Integration***

- 10.30 It is proposed to improve integration between the planning team and highways development management to improve overall planning performance for the Authority.

#### ***Planning Enforcement***

- 10.31 Performance reporting on enforcement action across the Borough will be reported to Environment Scrutiny every six months. Further improvements are ongoing with links to wider regulatory services.

#### ***Legal Agreements***

- 10.32 Perceived delays in the delivery of some legal agreements are causing dissatisfaction for applicants and affecting overall planning performance. Improvements to the instruction process and overall project management within the planning teams, which will need to allow for sufficient time to be allowed for

the negotiation of the agreement after a decision, are being put in place in the immediate term whilst more in depth reviews of the Section 106 process and overall project management arrangements are put in place.

## **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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## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Head of Performance, Customer Services & Capacity
<b>Subject/Title:</b>	Notice of Motion: Armed Forces Community Covenant
<b>Portfolio Holder:</b>	Strategic Communities

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#### 1.0 Report Summary

- 1.1 This report invites the Cabinet to consider the following Motion, proposed by Councillor Baxendale, which has been referred by Council to the Cabinet for consideration:

“The Council’s formal signing of the Community Covenant scheme which clearly demonstrates its commitment and support to the Armed Services is to be welcomed. However, this Motion seeks to ask the Cabinet to take responsibility for the development of a detailed Action Plan, based on the Scheme, which will outline, by Service area, the practical support that the Council can provide to those currently serving in the Armed Services, their families and those that have served in the past”

#### 2.0 Recommendation

- 2.1 That Cabinet consider the Motion and offer its advice to Council.

#### 3.0 Reasons for Recommendations

- 3.1 To enable Council to consider the Cabinets views on the matter.

#### 4.0 Wards Affected

- 4.1 None

#### 5.0 Local Ward Members

- 5.1 All Members are affected by this matter.

#### 6.0 Policy Implications

- 6.1 None identified.

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

- 7.1 None identified.

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

8.1 None identified.

## 9.0 Risk Management

9.1 None identified.

## 10.0 Background and Options

10.1 A Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces community. The Covenant is signed by various members of the community including representatives of the Armed Forces and the local authority. It may also be signed by other agencies keen to support the principles of the Community Covenant. It is intended to complement, at a local level, the national Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces.

10.2 On 30<sup>th</sup> June, and on behalf of the Council, the Mayor signed the Cheshire Community Covenant which was also signed by the following organisations:

- Cheshire East Borough Council
- Halton Borough Council
- NHS
- Job Centre Plus
- Cheshire Army Benevolent Fund
- SSAFA
- Cheshire Constabulary
- Veterans UK
- Cheshire West & Chester Council
- Warrington Borough Council
- Cheshire Chamber of Commerce
- Combat Stress
- Royal British Legion
- Probation Service

A copy of the Covenant is appended for information.

10.3 Councillor Gordon Baxendale, as the Council's armed forces champion oversaw an initial audit of services currently in place for service personnel or veterans was undertaken across the Authority. The following measures have been identified, albeit that it is possible that there may be others:

Services provided by:	Description of the Service
Leisure	Everyone Options Card – this enables serving members of the Armed Forces to access a range of activities at leisure facilities across Cheshire East free of charge. (There is also a list of qualifying benefits which includes War Disablement Pension).
Adult Services	Cheshire East residents who are disabled (includes ex-service personnel) have access to:

	<ol style="list-style-type: none"> <li>1. Smart Team</li> <li>2. Supported employment</li> <li>3. Access to community equipment and Independent Living Centres</li> <li>4. Assistive Technology and telecare/telehealth</li> <li>5. Carers support and access to carers assessment</li> <li>6. Reablement services</li> </ol>
Strategic Housing	<p>For the purposes of assessing housing needs priority a person will be considered for ex-armed forces personnel priority if they are leaving the armed forces having received their notice of discharge date or have left in the last 5 years, having been medically discharged or served the required minimum level of service, usually at least four years (does not include Discharge As Of Right -DAOR).</p> <p>Those who will not be in housing need or are already adequately housed will be placed in Band D. Where they have any additional housing need they will be placed in Band B. <b>(draft - policy currently out for consultation)</b></p> <p>Disabled residents can apply for help to adapt their homes to enable them to live independently</p> <p>A money advice service is available</p>
Children & Families	<p>Admission to Schools –children of service personnel moving into the area would be given priority for admission to a reception or secondary transfer application. For in-year admission, applications would be looked at sympathetically (though schools that are their own admission authorities could refuse). The admission of children from the armed forces is now a permitted exception where infant class size regulations are involved so would allow the 30 limit to be exceeded in these circumstances.</p> <p>Attendance at School – it is Ministry of Defence practice for service personnel returning from active deployment to get a 2 week period of rest. For service personnel with young people this usually means them wanting to take their children out of school for all or part of this. While the Pupil Registration Regulations constrain a school's ability to allow term-time holidays, DfE guidance on the regulations makes specific reference to service personnel as one of the special cases that would warrant the school allowing up to 10 days holiday in term time.</p>



Housing Benefit/Council Tax Benefit	<p>There is a local agreement whereby War Disablement Pension and War Widows Pensions is disregarded in full from income.</p> <p>(For information, Armed Forces personnel who are deployed to a relevant location e.g. Afghanistan, do receive a contribution from MoD in lieu of Council Tax for the period of the deployment. The payment is made direct to them through their Unit HR administrator)</p>
Electoral Registration	<p>Service declarations by members of HM Forces and their spouse or civil partner may be made at any time throughout the year. The declaration will request certain information from the applicant and providing it is submitted and accepted by the Electoral Registration Officer as valid, it is then valid for 5 years.</p>
Customer Services – Blue Badges	<p>There is a national policy issued by the Department for Transport which takes account of:</p> <ul style="list-style-type: none"> <li>• People who receive War Pensioners Mobility Supplement</li> <li>• People who have been awarded a benefit under the Armed Forces Compensation Scheme and have been assessed and certified by the Service Personnel and Veterans Agency as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking</li> </ul>
Cheshire East Family Service	<p>Information and advice is available to families via First Contact Service, which offers advice and information on services available locally as well as pathways into support for those children and young people with additional needs.</p>
Family Information Service (FIS)	<p>Supports families at all levels of need, from giving information and advice about services available locally through to linking families in with the right professional to undertake a common assessment and co-ordinate a multi-agency package of support if needed. This would include where appropriate the direct provision of services from Cheshire East Family Service locality teams, eg parenting courses, children's centres and input from family service workers</p>

- 10.4 To help promote the services available, a webpage has been set up on the Council's internet site which provides some links and general information. This page will be developed as more information becomes available. A

contact officer has been nominated to deal with housing issues, as this is the major issue.

- 10.5 Sustainable Communities Scrutiny Committee considered a report on this issue on 26<sup>th</sup> July and had a lengthy discussion and, as a result of which, appropriate Scrutiny Committees have been asked to look at the provisions for housing allocations and schools admission.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

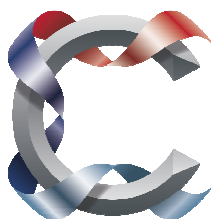
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## Community Covenant



# Cheshire, Halton and Warrington

## **Community Covenant General Principles**

The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces, at a local level.

The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in Cheshire, Halton and Warrington and to recognise and remember the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes in-Service and ex-Service personnel and their families and widow(er)s in Cheshire, Halton and Warrington.

This publication explains how we will deliver the Armed Forces Community Covenant. It details our intentions, pledges and the approach that we are taking in order to ensure that the Covenant is a success for the Armed Forces, the Public, Private and Third Sectors as well as the wider community. As such, this covenant supersedes all and any previous versions held by individual signatory Local Authorities

The Armed Forces have a long history in Cheshire, Halton and Warrington:

- The Royal Navy assault ship HMS Albion is affiliated to the city of Chester.
- 75 Engineer Regiment has its Regimental Headquarters in Warrington.
- The 1st Battalion, The Mercian Regiment (Cheshire) recruits its soldiers from within the traditional Cheshire boundaries; the regiment has its area HQ at The Castle in Chester. The battalion is the successor to the 22nd (Cheshire) Regiment.
- The 1<sup>st</sup> Battalion, The Mercian Regiment has been granted freedom of the Borough of Cheshire East
- B (Cheshire) Company, 4 MERCIAN are located in Widnes.
- **D (Cheshire) Company, 4 MERCIAN are located in Crewe.**
- C (Cheshire Yeomanry) Squadron are located in Chester.
- The Royal Welsh (The Royal Welch Fusiliers) are located in Dale Barracks, Chester.
- The region's bomb disposal squad is Chester Troop from 521 Squadron, Dale Barracks, Chester. Part of the Royal Logistic Corps, the squadron deals with about 100 call-outs to unexploded ordnance across the region every year.
- B Squadron, 208 Field Hospital are located in Ellesmere Port.

We are immensely proud of our Armed Forces, particularly those from, stationed or returning to Cheshire, Halton and Warrington. We hope that this Covenant will demonstrate our commitment to all of our Armed Service Personnel, Veterans and their Families.

**Participants**

The following organisations have come together to form a Community Covenant Working Group while additional organisation have come forward to provide advice and support. They have shown their commitment to our Armed Forces Community by signing this Community Covenant:

Community Covenant Working Group

- The Armed Forces
- NHS Western Cheshire
- NHS Cheshire, Warrington and Wirral
- Cheshire Probation Services
- Cheshire West and Chester Council
- Warrington Borough Council
- Cheshire East Borough Council
- Halton Borough Council

Supporting organisations

- Halton Chamber of Commerce and Enterprise
- Cheshire Army Benevolent Fund
- Combat Stress
- SSAFA
- The Royal British Legion
- Cheshire Constabulary
- SaBRE - Cheshire
- Jobcentre Plus

Issues affecting the relationship between the Armed Forces community and the civilian community cannot be solved by one organisation alone, nor does it stop at Local Authority boundaries. The potential barriers faced by a member of the Armed Forces community may also be influenced by, or subject to, the systems created by any or all of these organisations. This is why the organisations listed above have made a commitment to work together to ensure that members of the Armed Forces community are not subject to disadvantage when residing or returning to our communities, accessing services or seeking support throughout Cheshire, Halton and Warrington.

Each member of this Armed Forces Community Covenant has a specialist area of knowledge and expertise. By working together we can be greater than the sum of our parts, working holistically to create the best outcomes for all.

**Aims and Objectives**

The key values identified at a national level through the government's Covenant guidelines have formed the basis of our Community Covenant:

1. Encourage local communities to support the Armed Forces communities in their areas through the development of local actions.
2. Nurture understanding and awareness amongst the public of issues affecting the Armed Forces Community.
3. Recognise and remember the sacrifices faced by the Armed Forces Community.
4. Encourage activities which help to integrate the Armed Forces Community into local life.
5. Encourage the Armed Forces Community to help and support the wider community.

Furthermore we have identified five recurring themes that we feel we can significantly and positively contribute to. These are not a limit to what we will do but provide some focus to our actions.

- Housing
- Employment and Benefits
- Education
- Health
- Wellbeing

### **How we work**

The Community Covenant Working Group is set up as a network where ideas, issues and best practice can be shared between organisations. Armed Forces Champions from each organisation will act as the first point of contact between organisations to allow the sharing of information and joined up working. Champions have responsibility for facilitating the implementation of the covenant principles and pledges within their organisations. They are also a central point to receive and distribute information within their organisation and externally with partners.

The Community Covenant Working Group will link in to the 42 (NW) Brigade Transition Delivery Working Group which covers Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside. The Community Covenant Working Group will provide local support, taking into consideration the themes, direction and intelligence provided at this highly strategic level.

The Community Covenant Working Group will also seek to engage with relevant organisations from the private, public and charity sectors. Active engagement with these groups will allow expert advice to be sought, working relationships to be built and further progress to be made.

### **Themes and Pledges**

#### **Housing**

Both research and anecdotal evidence has shown that access to housing can be a problem, particularly for those leaving service or for the families of those currently serving or recently widowed. Traditionally, Local Authority Housing Policy has placed housing applicants into priority 'bands' to reflect need, with current residency status forming part of the assessment in accordance with the Common Housing Allocations Policy. Those discharged from service, with no medical needs, are therefore placed in a low band.

Those injured during service may also require additional support to adapt housing to help retain independence and remain in their own home, while homelessness is also recognised as an issue that may be faced by those discharged from the Armed Forces.

Pledge: All Local Authorities agree to place members of the Armed Forces in housing need into priority band B (or equivalent) and will not apply



residency criteria to armed forces personnel. Those in housing need who have a serious injury, medical condition or disability that has been sustained as a result of their service in the Armed Forces will be placed in Band A (top priority). This commitment will extend to the dependents and widow(er)s of those serving in the Armed Forces.

Pledge: All Local Authorities agree to acknowledge that Service people occupying Service Family accommodation and who have been issued with a Certificate of Cessation demonstrates impending homelessness. In such cases, a possession order is not required before provision of housing assistance.

Pledge: Those in receipt of a War Pension will have part of this income disregarded in the means test when accessing funding from the Disabled Facilities Grant.

Pledge: Some instances of homelessness can be linked to mental health issues. The NHS is committed to ensuring improvement in mental health services for veterans at a regional level. All organisations will follow their lead and work together to support this aim.

### **Employment & Benefits**

The health and wellbeing of people of working age is critical for supporting the local and national economy and positively contributing to society. It's recognised that being in work is generally good for health and wellbeing, while being out of work can lead to poorer physical and mental health.

Accessing employment opportunities and benefits can be challenging for those leaving service or the partners of those in service. There are approximately 5,000 Early Service Leavers leaving the Armed Forces per year with only 61% of these Early Service Leavers being employed at six month following discharge. Those leaving service may have spent the majority of their career with the Armed Forces and may therefore require additional support when entering the job market. Entrepreneurial individuals may also benefit from business advice and support for accessing investment.

Families of those in the Armed Forces may also be required to move frequently. This can make finding employment difficult. Having sole responsibility for child care whilst their partners are serving can also significantly reduce the ability to keep regular employment.

Pledge: Work together to share and distribute information about existing services allowing access to job opportunities, business advice and benefits.

Pledge: Work with Jobcentre Plus Armed Forces Champions along with Third Sector Organisations to signpost extra support to those discharged from the Armed Forces.

Pledge: Cheshire Probation will continue to provide additional support to veteran offenders, including mentoring.

### **Education**

Frequent moves can cause practical issues when enrolling children into school, particularly outside of the school term. These families generally receive good support when a whole regiment moves but it can be more difficult when individual families move.

Children may also require additional support to ease integration into a new school or area and may face additional challenges when a parent is in service.

Pledge: Where possible, ensure that school admissions and local members of the Armed Forces work together before a move takes place.

Pledge: Work with schools and local groups to develop understanding and support for children of those in service. This includes the timely provision of appropriate support for Service Children with Special Educational Needs.

### **Health**

The public health agenda recognises the Armed Forces community as an important demographic to address in terms of health inequalities and specific health behaviours and needs that are related to Service. Health refers to both clinical and non-clinical elements.

Pledge: We will ensure that all parts of the NHS community will offer support to the local Armed Forces community and make it easier for Service personnel, ex-service personnel, families and veterans to access the services, help and support which will be available in a timely and appropriate manner in order to maximise their potential to achieve good physical health and positive mental health and wellbeing. Accordingly, service members and their families required to move or relocate will maintain their position within a hospital waiting list and in accordance with clinical priorities.

Pledge: Regardless of changes to NHS structures and delivery we will aim to ensure that there is a commitment to service user led design in order that the health care needs of veterans are recognised and met.

Pledge: We pledge to raise the awareness among healthcare professionals about the needs of veterans so that these needs are met. To this end Hospital and GP records will indicate that a patient is a current/former service member. The identification of an individual as a former service member may help identify vulnerable individuals who can then be brought to the attention of supporting agencies.

Pledge: In line with the establishment of pilot schemes by Central Government we pledge to improve veterans' access to Mental Health Services

Pledge: The NHS/Primary Care Trust (PCT) pledges that in the provision of prosthetic limbs the NHS/PCT will as a minimum match the standard provided by Defence Medical Services.

### **Wellbeing**

Wellbeing is intrinsically linked in to all of the themes already described, both as a contributor to and an indicator of the state of individuals and our communities. However, each organisation can further support wellbeing in our communities.

Furthermore, we recognise the Armed Forces community as a distinct group that may experience common issues and needs. We aim to fully integrate involvement and consideration of this community, as we do with all stakeholders, as part of our core business, not as an add-on or afterthought.

Pledge: Cheshire Probation will continue to provide additional support to veterans using Veteran Support Officers with specialist awareness training and will continue to work with Veterans in Custody Support Officers from Merseyside and Great Manchester to ensure best practice

Pledge: Partners will work together to promote existing opportunities including Healthy Living Centres, access to mentoring services, and other services available to members of the Armed Forces community.

Pledge: Where possible, partners will work to provide discounts to leisure facilities and promote relevant discount schemes to the Armed Forces community.

Pledge: Armed Forces Champions will work to promote the needs of the Armed Forces community as part of existing services.

Pledges: All organisations aim to encourage a positive and strengthened relationship between the Armed Forces community and the wider community.

Pledge: All organisations will work together in a mutually beneficial way, acting in accordance with the key values of this Community Covenant.

### **Monitoring and Development**

As our communities develop so too will the role of the Community Covenant. It is therefore important to revise this agreement when necessary. Organisations may also create action plans that will be developed and implemented locally to further support the aims and pledges outlined. The core Community Covenant Working Group will formally meet no less than every six months for the first two years to discuss existing pledges, achievements and issues as well as opportunities for development. Until a suitable non-military lead can be identified, this will be led

by the Armed Forces Commanding Officer who holds a responsibility for Cheshire. Annual reviews will provide opportunity for additional organisations to officially sign the covenant.

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## CHESHIRE EAST COUNCIL

### Cabinet

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Date of Meeting:	20 <sup>th</sup> August 2012
Report of:	Strategic Director for Places and Organisational Capacity
Subject/Title:	Notice of Motion: Corporate Communications
Portfolio Holder	Strategic Communities

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#### 1.0 Report Summary

- 1.1 This report invites the Cabinet to consider the following Motion, proposed by Councillor B Murphy, which has been referred by Council to the Cabinet for consideration:

“This Council calls for an immediate all-party inquiry into the Council’s corporate communications function with particular reference to:

- its purpose, relevance and value-for-money
- overall cost, budgetary provision/resource allocation and cost effectiveness
- political impartiality and support for members
- the corporate culture it seeks to foster
- its policies/protocols for media relations, publications, communication technology, corporate ID, corporate communications/marketing, and internal communications.”

#### 2.0 Recommendation

- 2.1 That the portfolio holder with responsibility for the Communication function sets up a temporary cross party group to review the media relations protocol and that the points made in the motion be noted by cabinet”

#### 3.0 Reasons for Recommendations

- 3.1 To enable Council to consider the Cabinets views on the matter.

#### 4.0 Wards Affected

- 4.1 None

#### 5.0 Local Ward Members

- 5.1 All Members are affected by this matter.

**6.0 Policy Implications**

6.1 None identified.

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

7.1 None identified.

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

8.1 None identified.

**9.0 Risk Management**

9.1 None identified.

**10.0 Background and Options**

10.1 On 19<sup>th</sup> July 2012 Council considered a Notice of Motion submitted by Councillor Murphy regarding the corporate communications function. The Notice of Motion is attached at Appendix 1.

10.2 The work, role, value for money and key priorities for the Communications team were the subject of in-depth debate during 2011/12 and in the run up to budget setting for 2012/13. This involved looking at cost per head at other local authorities, the management of the media, the need to run fewer, more focused campaigns, the need to align the work of the team with other corporate functions eg research, business improvement, the need to report more comprehensively and regularly to cabinet on potential and actual reputational issues and the structure and ways of working of the team.

10.3 The result of this exercise was that the team was reduced by a third taking the total head count to 12.5 staff covering media, marketing and communications. There was also a conscious integration of the media and communications roles to enhance flexibility and give better co-ordination.

10.4 The cost per head is now well below the average for local authorities and indeed based on research in September 2011 is at the very lowest end of cost per head. The service planning process for 2012/13 has resulted in an endorsed team plan for the team which gives five clear objectives with actions and milestones beneath, the team report weekly to cabinet on issues arising and potential reputational issues and relations with key media have been significantly challenged and improved.

- 10.5 The team make up and ways of working take on board all recommendations from the national code of practice about political impartiality and the media protocol is about to be refreshed
- 10.6 The function that has been under constant review since the start of Cheshire East. £230k was taken out of the staffing budget in 2012/13, two staff have left the organisation and four have been redeployed into other posts. In addition two temporary posts funded by other service budgets have been terminated.
- 10.7 Issues relating to PR need to be judged in the context of the whole authority wide approach to service improvement, quality of services and issues affecting public perception. The Communications team are well placed to assist a drive to improve public perception and approach communications, media and marketing activity with professionalism.
- 10.8 If members feel there is a need for further review into the work of the team then it is suggested that an informal review lead by Cllr David Brown the Cabinet member with responsibility for Strategic Communities (which includes Communications and Media Relations) is carried out.
- 10.9 It is also suggested that a focus of this review could be the Media Relations Protocol (Appendix 2). The protocol was first approved by Cabinet in June 2009. Small changes, approved by Cllr Brown, have been made since. However the time is now right to review this more fully.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

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**NOTICE OF MOTION TO COUNCIL 19 July 2012**

Consideration was given to the following Notices of Motion :-

"This Council calls for an immediate all-party inquiry into the Council's corporate communications function with particular reference to:

- its purpose, relevance and value-for-money
- overall cost, budgetary provision/resource allocation and cost effectiveness
- political impartiality and support for members
- the corporate culture it seeks to foster
- its policies/protocols for media relations, publications, communication technology, corporate ID, corporate communications/marketing, and internal communications."

**RESOLVED**

That the motion stands referred to Cabinet for consideration.

**MEDIA RELATIONS PROTOCOL**

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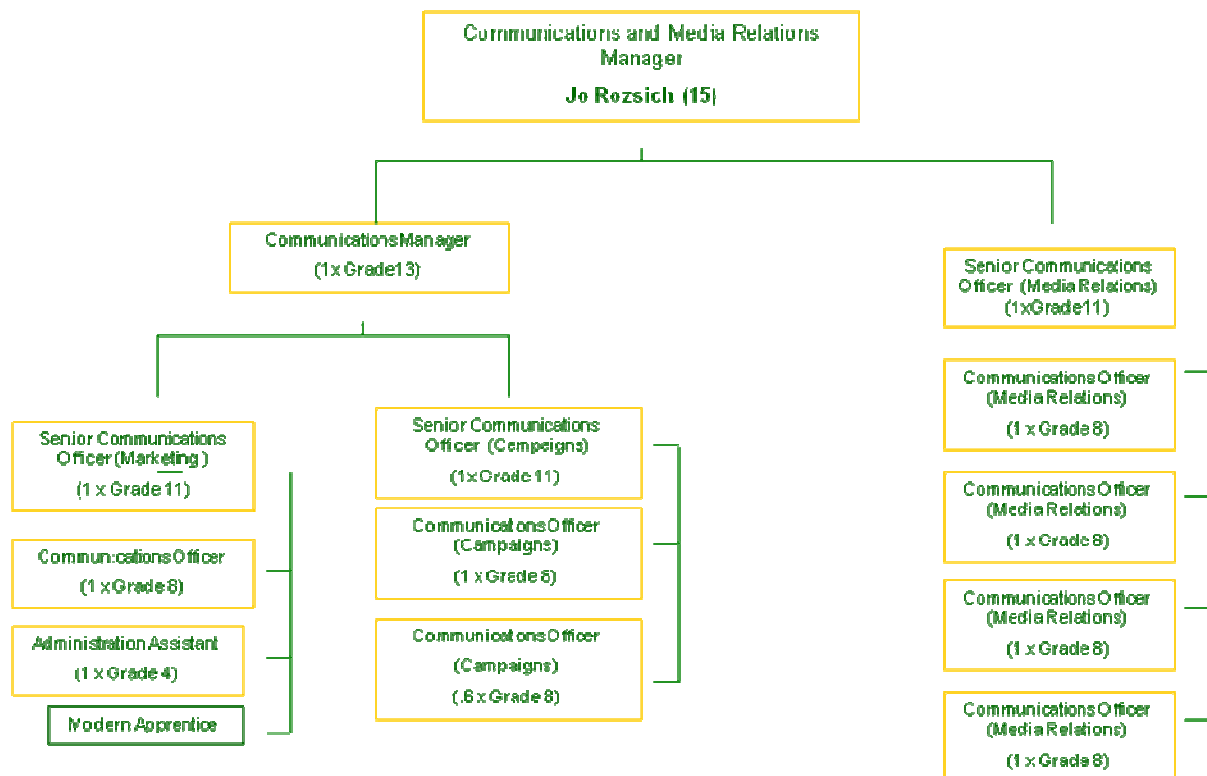
## Media Relations Protocol

### 1.INTRODUCTION

This protocol serves as the definitive strategic positioning document for the Media Relations function of Cheshire East Council. It has been approved by Cabinet and Corporate Management Team (CMT).

The protocol also mirrors closely the guidelines and practices outlined in the Code of Recommended Practice on Local Authority Publicity, as recommended by the Department for Communities and Local Government.

### 2. STRUCTURE OF THE COMMUNICATIONS TEAM



### 3.MEDIA RELATIONS

#### 3.1 Purpose of Media Relations Team

The Media Relations Team sits within the Communications Team. All five members are highly-experienced journalists from the fields of print, radio and television. They hold either National Council for the Training of Journalists qualifications or those of the Broadcast Journalism Training Council.

The function of the team is to provide information to the media, in various formats, to promote the work and policies of the Council in order to enhance its reputation at a local, regional and national level. It is also responsible for providing information, advice and guidance to officers and elected Members when the Council interacts with the media.

The objectives of the Media Relations team are:

- to inform residents of the services provided by Cheshire East Council;
- to promote and enhance the reputation of Cheshire East Council at local, regional and national levels;
- to protect and defend the reputation of Cheshire East Council at local, regional and national levels; and
- to offer media support, guidance and training for elected Members of the Council and senior officers.

The Media Relations Office is staffed from 8.30am to 5.30pm every week day. Outside these times is an on-call duty Media Relations Officer, who can be reached via the main Communications phone number 01270 686577.

A member of the Media Relations Team is available 365 days a year, 24 hours a day.

The Team produces information in a variety of formats:

- **Proactive Media Releases** - a written release promoting a service of, a decision of or the work of the Council. Through proactive coverage, the Council will be positioned in a positive and transparent light. The Media Relations Team advises on how best to place the right stories in the most appropriate outlet (eg radio, television, print, online, blog etc) with the best chance of success. The media expertise of the team will determine how proactive coverage is generated. Planning proactive coverage will form part of the wider communications plans for each of the Council's three directorates (People, Places and Policy and Performance).
- **Proactive Media Statements** - a written statement that is wholly in the words of a nominated Council spokesperson.
- **Reactive Media Releases** - generally issued as a rebuttal to an article or a broadcast already published and is generally in the words of a nominated Council spokesperson. As a large public body, it is inevitable that the Council will face regular scrutiny by the media, and on occasions, attack. The latter is often unfounded and will be challenged by the team on the day of issue or prior to publication if known about. The team will engage the support of Legal Services, if necessary, to counter any issues of potential defamation. On the occasions where the criticism is genuine, the team will respond with transparency and accountability. Responding

to negative criticism will always be made as a considered judgement call by the Media Relations Team.

- **Reactive Media Statement** - a written statement that is prepared and issued in response to a specific question.
- **Information bulletins** - used when it is necessary to get vital information out to the public very quickly – eg school closures, gritting routes, refuse collections etc during periods of adverse weather. These do not include a quote from anyone.
- **Briefing notes** – prepared in advance of either print or broadcast interviews.

### 3.2 Nominated Council Spokespeople

#### 3.2.1 Use of 'Council spokesperson'

Every effort will be made to attribute quotes to the relevant individuals as set out in 3.2.2 – 3.2.6 below. Only in exceptional circumstances will quotes be attributed to 'a council spokesperson'.

#### 3.2.2 Proactive Media Releases

Recognised best practice states that all proactive media releases should carry at least one quote: this should be from the relevant portfolio holder who is the appointed Council spokesperson for that portfolio or relevant ward member (see 3.2.2 below).

There may be occasions when, in the absence of the portfolio holder, a senior officer is quoted. Directors and Heads of Service should furnish the names of appointed officers for each service area to the Media Relations Team and ensure that the named officers are aware that they have been nominated.

If a portfolio holder is not available another spokesperson will be necessary. They should be chosen as follows:

- The relevant director or head of service or appointed spokesperson

If they are not available:

- The Portfolio Holder for Performance and Capacity

If they are not available:

- the Leader or the Chief Executive

In the very unlikely event that none of the above is available and in order to meet immediate media deadlines, the quote may be attributed to a Council spokesperson.

### **3.2.3 Proactive Media Releases and Ward Members**

Ward Members will be quoted in proactive media releases where the subject matter is 'place' related i.e. pertinent to that specific ward. If there is more than one member in a ward, members can choose to be quoted individually and if so will be approached alphabetically on a rota basis. Alternatively, ward members may choose to be quoted as a group. In this case members can choose to nominate a contact for co-ordinating and approving releases, or agree that the first available member will co-ordinate and approve releases. Members have a choice of either option, whichever option they choose will apply to all releases.

### **3.2.4 Reactive Media Statements**

The Media Relations Team currently feeds 43 local media outlets, many of which pose several questions each day. There is only one evening paper and that covers just a small part of the Council's population. Other local print media outlets are weekly newspapers.

All newspapers, whether daily or weekly, carry daily deadlines. Pages are planned and completed as the week progresses, which means that all media queries, wherever possible, should be answered within one working day.

The Team has no control over the timing of these queries, although every effort is made to encourage the various media outlets to provide queries in a timely fashion or to negotiate for a story to be placed on a different page if a query cannot be answered within a newspaper's original timescale. Such encouragement and negotiation is not always successful, particularly if the story is contentious.

It is therefore essential that all media queries are given appropriate priority by all Members and officers of Cheshire East Council. A failure to provide a response in a timely fashion can seriously harm the reputation of the Council and be presented in such a way as to imply a lack of transparency while engendering an atmosphere of mistrust.

Few queries come in singularly, but rather regularly present themselves as one question among many. Again, the Team has no control over how the questions are posed. When several questions are posed at once, there can be considerable overlap in the service areas that need to be contacted for information and therefore overlap in the portfolio areas.

This lack of timeliness, coupled with several questions at a time, can and does mean that the relevant portfolio holder cannot be named in a response. However, it is recognised that statements made in the name of

a Council spokesperson can lack the perceived integrity of those carrying the name of a person.

The Media Team will email full details of any query to the relevant senior officer who has been named as a nominated spokesperson and copy in the relevant portfolio holder. The time of the deadline will be clearly shown.

The media response will go out in the name of the relevant officer unless the portfolio holder indicates, within the timescale, whether he or she wants it to go in their name. If the portfolio holder is happy to leave the response to their appointed officer, it is requested that he or she informs the Media Relations Team as soon as possible.

The media will, on occasions, attempt to bypass the Media Relations Team. However, in order to protect the reputation of the Council, it is essential that all media enquiries are co-ordinated and managed effectively through the Media Relations Team.

It is vital for the team to be able to record and monitor ALL interaction with the media. If this is not done, the reputation of the Council is potentially at risk. It would be helpful to the Media Relations Team if elected Members were to log any interaction with the media.

The Media Relations Team will work closely with elected Members and officers, offering guidance and advice, in order to provide timely and effective responses to the media.

On occasion, an interview will be arranged for either an elected Member or officer. The Media Relations Team will provide briefings and advice and must accompany interviewees to interviews or be present on the line for telephone interviews (conference calls etc)

### **3.2.5 Broadcast Interviews**

On occasion, a radio or television interview will be arranged. The same rules for nominating a spokesperson apply as for proactive media releases.

The Media Relations Team will provide briefings and advice and where possible accompany interviewees to interviews or be present on the line for telephone interviews (conference calls etc).

### **3.2.6 Proactive Releases for Scrutiny Committees**

Proactive media releases may be issued when a Task and Finish Group is formed and again to report on the findings of the group. No media



releases will be issued around subjects yet to be considered by the committees or where all relevant material is not available.

### **3.3 Media Contact**

#### **3.3.1 Elected Members**

The media will often attempt to contact elected Members directly.

If the nature of the enquiry relates to Council business and is non-political, the elected Member is requested to refer the enquiry to the Media Relations Team for initial handling and advice on procedure. By doing this, the Media Relations Team can record the query and either advise on the response or prepare and issue the response.

If the nature of the enquiry is political, in accordance with the democratic process, the elected Member has no duty to inform the Media Relations Team.

#### **3.3.2 Officers**

The media will also often attempt to contact employees of the Council directly.

The employee must always and immediately refer all enquiries from the media to the Media Relations Team as the first line of procedure. It is essential to record all media queries at the time of receipt. No initial comment or response to the media should be made by an employee. The Media Relations Team will provide advice on the most appropriate response. Unauthorised comment by officers on behalf of the Council that is potentially harmful to its reputation may result in a disciplinary action.

#### **3.3.4 Partners**

The Council works closely with partners from all sectors. It is essential to ensure that when the Council is included in their media releases we approve the release and that we include them and consult them about releases we produce that involve their work.

### **3.4 Putting the Council's Interest First**

The central Media Relations Team's purpose is to represent the best interests of the Council in the media. Coverage of the decisions and work of elected Members and employees will be determined within a system of prioritisation, according to the current news agenda.

It is important to note that, on occasion, the most effective strategy is not to respond to the media. Media requests will be determined by both the news agenda and their prior agreement in directorate communications plans.

It will also be necessary to seek approval from other involved parties as appropriate.

Where elected Members are required to respond to the media regarding the policy of Cheshire East Council, such publicity should be objective and explanatory. While it may acknowledge the part played by individual elected Members as holders of particular positions in the Council, personalisation of issues or personal image-making must be avoided. (in accordance with the Code of Recommended Practice on Local Authority Publicity, as recommended by the Department for Communities and Local Government).

This protocol does not prevent any political group or individual elected Member not a portfolio holder issuing its/their own media information through its/their own channels. However, it is requested that all such information be copied to the Media Relations Team, where it will be held in confidence and used only to inform responses to media enquiries.

Exceptions to putting an elected Member forward for interview will arise during period of purdah or if there are potential conflicts of interest. In these cases, the Media Relations Team will identify a suitable alternative.

### **3.5 Corporate Statements**

On occasions, statements will be necessary that are corporate in nature and not related specifically to any portfolio. Either the Leader or the Chief Executive is the appropriate person to quote in these instances.

### **3.6 Media Monitoring**

Monitoring the coverage of the Council in the daily media is the responsibility of the Communications Team. This is done in a variety of ways, using the best in modern technology and practice, including a media monitoring service.

Disseminating recorded media coverage of the Council to the various internal stakeholders is done in a clear, accessible and streamlined way.

### **3.7 Crisis Media Relations**

A member of the Media Relations Team is available 365 days, 24 hours a day. In the event of a crisis breaking in the media outside of normal office hours (8.30am to 5.30pm), a duty Media Relations Officer is always on call **01270 686577**.

### **3.8 Confidentiality**

The business of the Media Relations Team is highly confidential and all matters discussed within and by the team are treated with the highest standards of discretion. It is essential that the team is briefed on all aspects of any issues, no

matter how confidential or sensitive, to enable them to be best prepared for enquiries and to put the interests of the Council first.

Occasionally, issues come to the notice of the media which involve employees or elected Members and aspects of their private lives or employment contracts. It is not the Council's policy to comment specifically on such issues. Responses must be brief and factual. Unless there are exceptional circumstances, names should not be included. An example statement would be:

*"I can confirm that a member of staff has been suspended while an investigation into allegations of professional misconduct is carried out. Suspension in itself is not a form of punishment."*

The exception to this rule is when the Council has been asked to provide a tribute following the death of an employee or elected Member. However, before any such tribute is issued, permission should be sought from the deceased's family.

### **3.9 Complaints about Media Coverage**

Complaints about media reports should be referred to the Senior Communications Officer (Media Relations) or the Communications Business Partner to discuss appropriate action.

### **3.10 Media Restrictions – Purdah and Embargoes**

All publicity referring to a political party of anyone standing for election (local or parliamentary) must be suspended between the notice of an election and polling day. This period, which is known as purdah, is generally six weeks.

With the exception of the Mayor, Members will not be quoted in Council media releases and requests made to the Media Relations Team for media interviews with Members must be declined during this period.

During European elections, no publicity must be generated which refers to any of the candidates. Providing this practice is followed, it is not necessary to follow purdah instructions.

Occasionally a news release will contain information under embargo. Embargoes are not legally enforceable but are adhered to as standard industry practice by local and regional media, although not always by the national media. In order to assist the media with forward planning, embargoed releases may be issued in advance with the embargo indicated in bold and underlined at the top of the release.

## **4 MEDIA RELATIONS – WAYS OF WORKING**

This area of the protocol covers all aspects of the operational function of the Media Relations Team.

#### **4.1 Areas of Responsibility**

Each Media Relations Officer has responsibility for specific committees including scrutiny, and for two portfolio areas. Each holds regular meetings with each of their Portfolio Holders, Scrutiny Chairman/ Lead Scrutiny Officer –NB see paragraph 3.2.6.

#### **4.2 Daily Management of the Media Relations Office**

##### **a) Office hours**

The Media Relations office is open from 8.30am to 5.30pm every week day. Outside these times, there is an on-call Media Relations Officer who can be reached via the main Communications phone number: **01270 686577**.

A member of the Media Relations team is available 365 days a year, 24 hours a day.

##### **b) Administration**

The Media Relations Team is responsible for:

- Management of media materials including newspapers
- General administration duties
- Maintenance of the shared drive for Media Relations
- Distribution lists for external and internal stakeholders

##### **c) Housekeeping of written media relations material**

All materials issued, including news releases and statements, by the media Relations Team are kept and maintained in the shared drive, to which only members of the Communications team have access.

##### **d) Communicating with each other**

Written communication between members of the Media Relations Team is principally done electronically.

Phone messages are sent between the team by email and all diary appointments are managed in Microsoft Outlook.

##### **e) Daily media log**

Every time a new request or phone call relating to a media enquiry is received by the Team, this is logged in a joint Media Log which is available in the Team's shared area.

This is monitored regularly by all members of the Team and is used by the Senior Communications Officer (Media Relations) to assess peaks and troughs

in workload. It is also a helpful document as a 'handover' between team members at different periods of the day.

f) Distribution lists

News releases are issued only via email in order to record a 'paper trail' of the media outlets each release has been sent to.

The only external audience sent media releases by the Media Relations Team are the relevant media outlets. Other external audiences can obtain releases from the Council's website. Internally, all media releases are sent to members of Cabinet, all Councillors, CMT, all members of Communications and the Council's website. A hyperlink to the most recent news releases on the website is provided from the intranet.

### **4.3 On-call Working**

The on-call rota operates on a five-week cycle, with each Media Relations Officer carrying out one week on duty. The on-call period begins and finishes at 5.30pm each Friday. When an officer is on duty their work mobile phone and on-call blackberry must be switched on at all times and they must remain within two hour's travelling time of Westfields, Sandbach, and consume no alcohol.

If an officer is unable to undertake their scheduled rota week, they should organise a swap with another officer on the rota and inform the Senior Communications Officer (Media Relations) of the change and their replacement.

The Senior Communications Officer (Media Relations) is not required to be part of the Media Relations on-call rota. However, s/he must be contactable by the duty on-call Media Relations Officer at all times, with the exception of periods of annual leave. The Senior Communications Officer (Media Relations) is always the first port-of-call for the on-call Media Relations Officer to offer advice and support if required.

If the on-call Media Relations Officer learns of an emergency out of office hours s/he will inform the Senior Communications Officer (Media Relations) who will inform the Communications Business Partner, who will in turn inform the Head of Communications. The Head of Communications/ Communications Business Partner will be responsible for informing the Senior Manager Duty Officer from Extended Management Team.

### **4.4 Media Monitoring**

Monitoring the daily media coverage service is the responsibility of all members of the Communications team with acute focus by Media Relations.

The most recent and relevant local and regional newspapers are available to read in the following locations:

Westfields - Communications, Cabinet Office and Members' Room  
Municipal Buildings Crewe – Members' Room  
Macclesfield Town Hall – Members' Room

All members of the Media Relations Team have full access to Durrants, an online news clippings service which monitors local, regional, national and international print and broadcast media for mentions of Cheshire East Council. Durrants updates are compiled at the end of each day and are received by the Team in an email summary the following morning.

Members of the Communications team also check the daily media monitoring service to ensure the Team is aware of stories as soon as they are published. Each article or broadcast is categorised depending on whether they are positive, negative or neutral and the percentage of each category is reported to elected Members each week.

Elected Members are also informed of how many potential readers or listeners have been reached each week and the total value of the coverage in advertising terms. Each elected Member receives an electronic copy of this weekly media coverage report. Hard copies are placed in Members' Rooms in Crewe, Macclesfield and Sandbach.

Negative coverage is assessed by the Media Relations Team and if it is incorrect and needs challenging, this will be done on the same day of publication.

Regional lunchtime TV and radio news bulletins are broadcast in the Communications office each day.

#### **4.5 Media Training for Council Spokespeople**

Media training for all relevant Council spokespeople is offered as appropriate.

All Members of Communications receive regular media training. This training is also available for:

Chief Executive  
Leader  
Cabinet  
Scrutiny Chairmen  
CMT – Corporate Directors and Heads of Service

#### **4.6 Media Relations Software**

The Council uses software which provides a range of services for modern media relations practice including:

- Media cuttings
- Media searches

- News release distribution system
- Progress and output reports on coverage

#### **4.7 News releases - General**

News releases have the principal purpose of increasing public awareness of services provided by the Council and the functions it performs. All news releases must be written by a Media Relations Officer.

If a news release request is received directly from a directorate, the relevant Communications Business Partner must be made aware of this to ensure it falls within the general directorate communications plans.

Exceptions to quoting an elected Member will arise during period of purdah or if there are potential conflicts of interest. In these cases, the Media Relations Team will identify a suitable alternative.

All news releases must list the contact details of the relevant Media Relations Officer. It is not the Council's policy to include contact details of officers or elected Members, unless these are contained within the story text of the release.

News releases issued by partner organisations which refer to the authority must be approved by the Media Relations Team and include the appropriate elected Member comment. In the same way, those releases prepared by the Media Relations team involving partner organisations should also be approved by the partner organisations before issue.

#### **4.8 Sign-off Process for News Releases**

News releases must in the first instance receive approval from the requesting officer. If approval is also required from the requesting officer's line manager or other senior manager, obtaining this is the responsibility of the Media Relations Team.

Approval must next be gained from the relevant elected Member/Members. If an elected Member suggests significant changes, the amended release must be returned to the requesting directorate/service officer for final approval. The news release must receive full approval from the Senior Communications Officer (Media Relations), or in his/her absence the Communications Business Partner, before it is issued.

#### **4.9 Handling Unusually Sensitive Issues**

Occasionally a major incident or a significant issue which could affect the Council's reputation may arise. Any officer who becomes aware of a situation should inform the Media Relations Team immediately. As soon as a member of the Media Relations Team is informed they must brief the Senior Communications Officer (Media Relations), Communications Business Partner

and Head of Communications. This will trigger a process where all the appropriate people are informed, as follows:

- Chief Executive
- Leader
- Cabinet
- Elected Members
- Strategic Directors/Heads of Service
- Head of Service
- CMT
- Relevant Officers
- Partner Organisations

#### **4.10 Knowing Council Business – Assessing and Digesting Agendas**

All members of the Media Relations Team receive electronic agenda copies for all Council meetings inclusive of confidential papers from Democratic Services. It is the responsibility of each team member to be aware of the upcoming business. All members of the Media Relations Team must be aware of upcoming business for Cabinet and Full Council meetings.

Media Relations Officers must not arrange interviews with officers or elected Members on issues which appear on Council agendas before the meeting has taken place. It is acceptable for the Team to respond to media enquiries in advance of a meeting where a factual response only is required.

#### **4.11 Photography**

All requests for photography for media purposes must be passed through the Media Relations Team who will assess each request on a business need basis. As with all other photography, each directorate pays for its own photography, commissioned and managed by members of the Communications Team.

Each Media Relations Officer briefs the photographer on the requirements of the job and the Communications Assistant handles the IBS process therein.

#### **4.12 Contact Details for Media Relations**

Communications  
Cheshire East Council  
Westfields  
Middlewich Road CW11 1HZ  
T: 01270 686577  
E: [communications@cheshireeast.gov.uk](mailto:communications@cheshireeast.gov.uk)



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## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Head of HR and OD
<b>Subject/Title:</b>	Notice of Motion: The Use and Approval of Outside Consultants
<b>Portfolio Holder:</b>	Cllr Barry Moran

---

#### 1.0 Report Summary

- 1.1 This report invites the Cabinet to consider the following Motion, proposed by Councillor Brickhill which has been referred by Council to the Cabinet for consideration. The Motion stated that “No outside consultants (other than clerical staff) shall be employed by the Council without their specific instruction.”

#### 2.0 Recommendation

- 2.1 That Cabinet consider that the Council already has sufficiently rigorous arrangements in place for the engagement of consultants and will therefore take no further action in response to the notice of motion.

#### 3.0 Reasons for Recommendations

- 3.1 To enable Council to consider the Cabinets views on the matter.

#### 4.0 Wards Affected

- 4.1 None

#### 5.0 Local Ward Members

- 5.1 None identified.

#### 6.0 Policy Implications

- 6.1 Any decisions to change/alter the approval process may have implications for the recruitment processes in place for consultants.

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

- 7.1 None identified specifically however, any recommendations that may have an impact on the use and volume of consultants could seek to reduce spend in this area.

- 7.2 In addition, ensuring that all services comply with the corporate frameworks / contracts will undoubtedly result in savings by opening up opportunities to competition and driving down costs.

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

- 8.1 None identified.

## **9.0 Risk Management**

- 9.1 There is a risk that additional levels of approval, particularly up to Council level, would have an impact on services where there is an urgent or business critical need to engage the services of a consultant in a timely way.

## **10.0 Background and Options**

- 10.1 On 19<sup>th</sup> July 2012 Council considered a Notice of Motion submitted by Councillor Brickhill on a policy of not employing outside consultants (other than clerical staff) without their (Council) specific instruction.
- 10.2 During the Council meeting on the 19<sup>th</sup> July 2012 Cllr Brickhill confirmed that in raising this motion, it did not relate to agency staff.
- 10.3 Currently, all requests for consultants must be approved by the Leader, the Portfolio holder for Resources, the Head of HR and OD and the relevant CMT member making the request at the weekly Recruitment Watch meeting. As with all vacancies and opportunities, approval to proceed will only be given where a clear and compelling business case is put forward to the panel.
- 10.4 The Council currently has two corporate contracts / framework agreements in place for the procurement of consultants. These are:

**Asset Management Framework** – which covers a range of construction related professional consultancy services e.g. Architects, Quantity Surveyors and Structural Engineers.

**Matrix Framework** – This is for all other types of consultants.

- 10.5 Both frameworks ensure that potential consultants compete on a value for money basis for any assignments and the price they submit is their final position i.e. they do not get the opportunity to revise/amend prices which helps to avoid unnecessary pushing up of prices.
- 10.6 Following approval from the Recruitment Watch panel, the subsequent stages of the process for engaging a consultant under the Council's procedures are set out below:

1. A detailed business case (including why the services can't be delivered in house) is developed and loaded onto the online request form (on either the Asset management framework or the Matrix framework) seeking (further) management approval prior to releasing the opportunity to the market.
  2. Once loaded on the framework as an opportunity, it is released to all those suppliers registered. There is a strong mix of suppliers signed up to the frameworks, ranging from one individual offering their services to larger companies specialising in supplying consultants. This seeks to ensure that the process is open, fair and transparent whilst delivering the very best value for money and quality of consultant for the Council.
  3. Following a request being sent to the suppliers, a number of 'bids' come in from consultants and suppliers. These will be ranked according to price and quality for the manager to select the best supplier.
- 10.7 The framework agreements were put in place last year and seek to ensure that consultants are procured in a consistent and coherent way across all services for the first time. The Procurement team have been working with managers to ensure that all new requirements are sourced in this way and that any off contract spend is managed out.
- 10.8 The approval process for consultants is therefore already very rigorous. The addition of the recruitment watch approval process has undoubtedly provided an extra level of scrutiny and brings it in line with the approval process for all other vacancies and opportunities. Further approval and decision making at full Council, which could take up to three months for the next available meeting, will undoubtedly delay critical project work and in some instances put services at risk by preventing them from being able to carry out urgent and necessary tasks e.g. asbestos surveys.
- 10.9 It is therefore recommended that Cabinet take no further action in response to the notice of motion.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

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## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of Meeting:</b>	20 August 2012
<b>Report of:</b>	Lorraine Butcher, Strategic Director Children, Families & Adults
<b>Subject/Title:</b>	Notice of Motion: Care Quality Commission Report June 2012 - Learning Disabilities
<b>Portfolio Holder</b>	Cllr Janet Clowes

---

#### 1.0 Report Summary

- 1.1 The following Notice of Motion was submitted to Council on 19 July 2012 by Councillors G Boston and L Jeuda.

1.2 Quality Care Commission Report – Learning Disability Services

On the 25 June 2012 the Care Quality Commissions (CQC) published the results of its damning National Review Report into Learning Disability services. It found over 50% of services inspected did not comply with CQC regulations and 27 of those services had safeguarding concerns identified.

In addition findings showed that *“some assessment and treatment services are admitting people for long spells of time, and discharge arrangements are taking too long to arrange.”*

Given that CQC have recommended:

- Commissioners need to urgently review the care plans for people in treatment and assessment services and identify and plan move on arrangements to the next appropriate service and care programme.
- Commissioners also need to review the quality of advocacy services being provided, particularly in those locations where we identified non-compliance with the standards.

#### Motion

- 1.3 “That Members are advised of any Cheshire East people placed in any of the services that have safeguarding issues and those people have their placements reviewed as a matter of urgency.

That Members are advised how many people are currently in treatment and assessment services and the length of time they have been there.

That Members are advised of the steps being taken to *“urgently review the care plans for people in treatment and assessment services and*

*identify and plan move on arrangements to the next appropriate service and care programme”.*

That Members are advised when the review of the quality of advocacy services being provided, particularly in those locations where CQC identified non-compliance with the standards, will take place”.

## **2.0 Decision Requested**

- 2.1 That members note the progress that has been made in the local Assessment and Treatment Unit, since the Care Quality Commission’s inspection.
- 2.2 That members note the role and monitoring arrangements of the Adult Safeguarding Board within Cheshire East.
- 2.3 That members note the regular monitoring and the review of the advocacy services in Cheshire East.

## **3.0 Reasons for Recommendations**

- 3.1 In October 2011, the Care Quality Commission (CQC) undertook an unannounced inspection of the local Assessment and Treatment Unit in Macclesfield. This was part of a programme of unannounced inspections of services providing care for people with learning disabilities. This was in direct response to the BBC Panorama programme (May2011) which exposed the abuses that had taken place at Winterbourne View hospital.
- 3.2 The CQC inspections concentrated on Outcome 4: Care and Welfare of patients who use services and Outcome 7: Safeguarding patients who use services from abuse. The inspection at the local Assessment and Treatment by CQC highlighted ‘moderate concerns’ in these areas. Since the inspection the provider, who manage the local Assessment and Treatment (A & T) service has developed an action plan to address the issues raised within the report. These actions have included the following:-
  - Closer liaison with the local SMART team around safeguarding referrals
  - Introduction of improved data collection and monitoring systems re safeguarding referrals and outcomes referrals
  - Safeguarding awareness training for staff
  - Developing & Reviewing Positive Behaviour Support Plan training for staff
  - Ensuring all clients are offered easy read care plans

- Ensuring carers receive copies of their relatives care plans (which is agreed with the client)
- 3.3 Currently Cheshire East have one person in the local Assessment and Treatment Unit, who was admitted in March 2012 and on the 20 June 2012 was assessed by the consultant as being fit for discharge. On the same date the care package was authorised for the clients discharge and the care manager is currently sourcing accommodation for the individual, a discharge meeting will then take place to plan the move in detail with the client and their family.
- 3.4 To reduce admissions to the assessment and treatment service, Cheshire East in association with the provider, have developed a new outreach worker role. This role works with individuals in the community, who would have otherwise been admitted to the service for assessment and treatment. The role is proving to be invaluable and is significantly reducing admissions and shortening the length of stay for people in the A & T Unit.
- 3.5 Additionally the Adult Safeguarding Board have endorsed a new Thresholds framework which differentiates between safeguarding and care concerns. A policy has been produced and training sessions have been held for all providers, including hospital staff. The Service Manager from the Adult Safeguarding Unit attended a SMART Team Manager's meeting in July 2012, to discuss the policy and safeguarding pathways.
- 3.6 Since the CQC inspection the local A & T Unit were advised to send all incidents to Cheshire East using a Safeguarding Trigger form. The consequence was that there was a rise in referrals, many of which were inappropriate and under the new Thresholds would be labelled as care concerns, rather than adult abuse.
- 3.7 In the past month there has been a follow up inspection by CQC of the local A & T Unit and all recommendations from their first visit have been addressed. Their report will be published on the CQC site when completed.
- 3.8 Cheshire East Council commission a number of individual agencies to undertake advocacy services for vulnerable people living within the Cheshire East footprint. Agencies include Citizen Advice Bureaus in Crewe and Macclesfield, Independent Advocacy, Age UK, CCIL and Cheshire East Advocacy services. Together they form Cheshire Independent Advocacy Services.
- 3.9 Within the contract, these agencies provide a general advocacy function as well as specialist services, for example, the role of Independent Mental Health Advocate (IMHA) to support individuals detained in hospital under Section of the Mental Health Act. Also, as Independent Mental Capacity Advocates (IMCA) who assist people who lack capacity to make decisions, like, changes in accommodation, serious medical treatment or in safeguarding investigations.



- 3.10 Officers from Cheshire East Safeguarding Unit and Contracts Team meet with representatives of the advocacy services on a quarterly basis. Each organisation is expected to produce performance information together with case studies to demonstrate activity. Additionally, the Mental Capacity Act Co-ordinator based within the Adult Safeguarding Unit, has regular contact with the IMCAS, as they are required to support people liable to be 'Deprived of their Liberty' in care homes or hospital settings. Performance issues are monitored and addressed via this process.

#### **4.0 Wards Affected**

All

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

All

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 Cheshire East Council has responsibility for Safeguarding in the area.
- 6.2 The Safeguarding Boards policies and process can be accessed via the link below.

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

- 7.1 There are no new cost implications for Cheshire East.
- 7.2 The Advocacy services are subject to review, through the current third sector review being undertaken by Strategic Commissioning in Children, Families and Adults Directorate.

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

- 8.1 There are no legal implications in respect of this report.

#### **9.0 Risk Management**

- 9.1 The Mental Capacity Act, 2005, introduced the Independent Mental Capacity Advocate (IMCA). Deprivation of Liberty was also introduced by the same Act of Parliament and became the responsibility of the local authority to implement.

'Deprivation of Liberty' is monitored via the Safeguarding Unit and the Adults Safeguarding Board within Cheshire East.

## **10.0 Background and Options**

Enclosed is the link to the CQC report.

<http://www.cqc.org.uk/public/news/half-learning-disability-services-did-not-meet-government-standards>

Link to the Safeguarding Boards policies and process

[http://www.cheshireeast.gov.uk/social\\_care\\_and\\_health/adult\\_social\\_care/vulnerable\\_adults/adult\\_safeguarding\\_board.aspx](http://www.cheshireeast.gov.uk/social_care_and_health/adult_social_care/vulnerable_adults/adult_safeguarding_board.aspx)

## **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

### Cabinet

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<b>Date of Meeting:</b>	20 <sup>th</sup> August 2012
<b>Report of:</b>	Lorraine Butcher, Strategic Director Children, Families & Adults
<b>Subject/Title:</b>	Healthwatch
<b>Portfolio Holder:</b>	Cllr Janet Clowes (Health & Adult Social Care)

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#### 1.0 Report Summary

- 1.1 It is an obligation under the Health and Social Care Act 2012 for local authorities to set up a new organisation in their areas known as Local Healthwatch.
- 1.2 This will be an independent consumer champion for health and social care with responsibilities for monitoring and scrutinising services as well as providing advice and signposting. This will replace the Local Involvement Network (LINK) which will cease to exist.
- 1.3 As required by Government guidance, Cheshire East Council and partners have conducted a consultation to understand how Healthwatch can best be delivered according to the priorities of the people of Cheshire East.
- 1.4 Procurement now needs to take place to set up a Local Healthwatch according to these specifications.

#### 2.0 Decision Requested

- 2.1 That Cabinet endorses the Cheshire East Local Healthwatch consultation. Note: this report will be circulated separately before the Cabinet Meeting.
- 2.2 Members agree that a selection process be held for a Local Healthwatch Board which Members are requested to support.
- 2.3 That a procurement and tendering exercise is started now to set up and deliver Local Healthwatch in the Cheshire East Council area.
- 2.4 That Members note that the value of the contract for this service is likely to require a Key Decision as defined by the Council's Constitution, which will be determined once the overall funding has been confirmed by the Department of Health later in 2012. The contract length would be for an initial 2 years from April 2013.

- 2.5 At least two Members are identified to take part in the selection/interview process for a Local Healthwatch support organisation.
- 2.6 Members agree that a representative from the Local Healthwatch should sit on the Health and Wellbeing Board (in both shadow and full form) to provide an additional channel for understanding the views of health and social care customers. This is as set down in the Health and Social Care Act 2012.
- 2.7 That the Local Healthwatch does not take on the Independent Complaints Advocacy Service and instead this is procured separately.

### **3.0 Reasons for Recommendation**

- 3.1 These recommendations are designed to achieve the following purposes:
- 3.2 That a Cheshire East Local Healthwatch will be set up and will be able to deliver on its statutory responsibilities, which come into force in April 2013.
- 3.3 The new Local Healthwatch will be an important voice in Cheshire East, able to influence decision making and to provide information and advice to local people in a way appropriate to their needs.
- 3.4 The contract length is initially for 2 years as the first year will be DH funded via the Learning Disability and Health Reform Grant, allowing sufficient experience to be gathered before seeking a more long term arrangement. There has been no confirmation that the funding will continue beyond the first year, although it is likely under the Government's transfer of services, that funding will continue beyond year one. Should funding cease in the second year it may be necessary to terminate the contract and re-evaluate the basis of provision of this statutory service.
- 3.5 One of the requirements of the legislation is to establish a local Independent Complaints Advocacy Service as a specialist service which is best delivered by an organisation already providing advocacy rather than a new Healthwatch organisation, which would take time to develop the additional skills that already exist elsewhere in the community/marketplace. Officers will review this decision during the lifetime of the initial Healthwatch and Independent Complaints Advocacy contracts.

### **4.0 Wards Affected**

- 4.1 All affected as it is a requirement of Local Healthwatch to consider all services within social care and other relevant Council services, particularly those in Health and Wellbeing.

### **5.0 Local Ward Members**

- 5.1 All

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

- 6.1 Net Carbon Reduction – No reported implications
- 6.2 Health – these proposals are consistent with developing the role of the Council in supporting and improving the health and well-being of its population. These proposals support statutory obligations as noted

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

- 7.1 Funding for the Local Healthwatch is provided for 2013 – 14 by the Department of Health. This has not yet been disclosed (see 7.3.2 for details). We anticipate that the funding will be made up of transferred funding from the Department of Health, existing Council funding and continuing funding from the PCT/CCG. Transition monies from the Department of Health already received for 2012/13 of £19k will be used for the initial Healthwatch set up. Healthwatch is required to deliver statutory duties and as a Council we are accountable to deliver these.
- 7.2 The Government has identified that £85k will be provided to the Council to procure NHS independent complaints advocacy.
- 7.3 Funding
  - 7.3.1 The only funding identified to date and provided for 2012 – 13 is £19k from the Department of Health (DH). This is for start up costs only and has been ring-fenced by the DH as a formal notification.
  - 7.3.2 Funding for 2013 – 14 and beyond will be identified by the DH and notified to CEC in the autumn of 2012 (Oct – Nov).
  - 7.3.3 Funding for 2013 – 14 will be provided by the DH and will be paid via the Learning Disability and Health Reform Grant. This money is not ring-fenced or the allocation formally notified by the DH and therefore the grant will need to be formally allocated to Healthwatch by CEC.
  - 7.3.4 As the funding for Healthwatch will not be confirmed until Oct – November 2012, recruitment to the posts within the organisation and the value of the contract to be let cannot be confirmed until funding has been notified to and allocated by CEC.
  - 7.3.5 Healthwatch will have additional duties to the current LINK. The base budget for 2013-14 is anticipated to include at least the current LINK value with an additional amount from the PALS (Patient Advisory Liaison Service) signposting element.

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

- 8.1 The Health and Social Care Act 2012 requires local authorities to have a local Healthwatch organisation in their area from April 2013, however it allows flexibility to choose how the service is commissioned.
- 8.2 In addition, local authorities will have to provide an advocacy service to people who wish to make a complaint about their experience of the local NHS from April 2013. Local authorities will have the responsibility to commission the service from any provider including the local Healthwatch, although it can be entirely separate.
- 8.3 A consultation has been carried out in respect of these proposals. Case law states that consultation must comply with four elements:

- (1) It must be at a time when proposals are still at a formative stage*
- (2) It must give sufficient reasons for any proposal to permit of intelligent consideration and response*
- (3) Adequate time must be given for any consideration and response*
- (4) The result of the consultation must be conscientiously taken into account in finalising any proposals*

Members should satisfy themselves that the consultation has been appropriately conducted. Furthermore members need to be fully appraised of the results of the consultation and take these results into account when making final decisions on the proposals in this report.

- 8.4 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty as follows:

“A public authority must, in the exercise of its functions, have due regard to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it..”

Local Authority decision makers must consciously address their minds to the public sector equality duty when making decisions and members need to ensure that they are satisfied that they have sufficient information available to them to comply with this duty. An Equality Impact Assessment has been carried out by officers in respect of the proposals in this report and members

should have access to this document. This document will be circulated separately before the Cabinet Meeting.

8.5 In order for the Council to appoint service providers by April 2013 two procurement exercises are required. Given the lack of certainty in relation to the value of the contracts and the funding this is problematic. This report refers to these being key decisions and working on the assumption that the contracts will exceed EU Procurement Thresholds fully compliant tendering exercises are required that will take between 6 – 9 months (depending on the value and the type of process).

8.6 It is imperative that the procurement processes are initiated as soon as possible to achieve the deadlines.

8.7 Commissioning officers should liaise with legal to determine if there will be any TUPE implications in relation to the current arrangements with LINKs.

## **9.0 Risk Management**

9.1 Any non-delivery of Local Healthwatch would mean the Council was failing to meet its legal requirements as defined by The Health and Social Care Act (2012). The council has a legal obligation to have in place a functioning Healthwatch by 1 April 2013.

## **9.2 Risk Management**

9.2.1 Risks will be managed through the procurement process in accordance with best practice procurement principles.

9.2.2 A risk log has been developed to mitigate risks associated with the project and the procurement process.

## **9.3 Transition Risks**

9.3.1 There is a risk that due to job insecurity that current members of staff at the LINK may seek alternative employment and we lose their knowledge and expertise

9.3.2 We are not able to mitigate fully against 9.3.1 from the procurement issue as noted in 7.3.4.

9.3.3 The start up costs for Healthwatch in Q4 2012–13 are not yet known but £19k has been allocated (as noted in 106 below).

## **10.0 Background**

10.1 Cheshire East Council organised and led a consultation from 22 May-31 July 2012 with the remit of informing people about the creation of Healthwatch and their views / thoughts on how it should evolve.



Measures included three consultation events (attended by 162 people), eight town centre visits, seven focus groups, an online and paper questionnaire available through a range of sources (290 completed to date). The full report for this consultation is currently being written.

- 10.2 The consultation provided essential intelligence to be used in writing a service specification. The specification will detail the essential and desired criteria in the establishment and recruitment to an organisation to meet the needs of all of the people of Cheshire East.
- 10.3 Key findings so far include:
- The Healthwatch Board should be recruited via a selection process
  - That advice/signposting should be provided to the public via a website and telephone helpline.
  - Drop-in advice desks should be considered in locations across Cheshire East.
- 10.4 We have been working on the development of Healthwatch since November 2011 via the Healthwatch Transition Steering Group. This consists of stakeholders from social care, health and the voluntary sector as well as officers of Cheshire East Council and LINK.
- 10.5 Our primary goal is to have a Local Healthwatch procured by January. This will enable it to be fully operational with any issues ironed out by the formal launch in April 2013, as required by Government.
- 10.6 £19k has been allocated for start up costs for 2012–13 for Healthwatch. We do not anticipate at this stage that additional costs will be required for 2012–13 for Healthwatch. However as the tender is likely to be awarded in December 2012, we will be better informed of the full costs for 2012–13 (and especially Quarter 4) at this stage.

## **11.0 Complaints Advocacy**

- 11.1 The Government has left it up to Local Authorities to determine whether independent complaints advocacy should be delivered by the Local Healthwatch or should be procured separately. This recognises the fact that Complaints Advocacy is a specialist service which may require a different model of delivery.
- 11.2 At the present time in England, this function is contracted on a national basis by the DH with the Carers Federation.
- 11.3 Preliminary investigations have already taken place in Cheshire East to look at a joint contract with other NW local authorities. The rationale for this joint approach is to look at economies of scale and resource efficiency, as well as knowledge sharing.

## **12.0 Access to Information**

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

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