

Council Agenda

Date: Thursday, 17th December, 2015
Time: 10.00 am
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach,
CW11 1AX

The agenda is divided into two 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. **Prayers**
2. **Apologies for Absence**
3. **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.

4. **Minutes of the Meeting Held on 22 October 2015** (Pages 1 - 16)

To approve the minutes as a correct record.

5. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

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

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

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.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Recommendation from Cabinet - Council Tax Support Scheme 2016-17** (Pages 17 - 100)

To consider the recommendation from Cabinet.

8. **Recommendation from Cabinet - Council Tax Base 2016/17** (Pages 101 - 108)

To consider the recommendation from Cabinet.

9. **Recommendation from Cabinet - Revised Statement of Gambling Principles** (Pages 109 - 158)

To consider the recommendation from Cabinet.

10. **Recommendation from Cabinet in respect of the Mid-year Review of Performance** (Pages 159 - 236)

To consider the recommendation from Cabinet.

11. **Report by the Local Government Ombudsman** (Pages 237 - 258)

To consider the content of the report and to note the actions taken subsequent to the Local Government Ombudsman findings.

12. **Recommendation from the Constitution Committee - Calendar of Meetings 2016/17** (Pages 259 - 266)

To consider the recommendation from the Constitution Committee.

13. **Recommendation from the Staffing Committee - Appointment of Director of Legal/Monitoring Officer** (Pages 267 - 268)

To endorse the appointment of Mr Bill Norman, as the Director of Legal Services and Monitoring Officer.

14. **Audit and Governance Committee Annual Report 2014/15** (Pages 269 - 286)

To receive the Audit and Governance Committee Annual Report 2014/15.

15. **Extension to the appointment of two Independent Persons** (Pages 287 - 290)

To approve the extension to the appointment of two independent persons currently appointed to work with the Monitoring Officer and the Audit and Governance Committee on standards matters, in accordance with the Council's code of conduct procedure.

16. **Outcome of Standards Hearing** (Pages 291 - 298)

To note the report.

17. **Notices of Motion** (Pages 299 - 300)

To consider any Notices of Motion that have been received in accordance with Procedure Rule 12

18. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Mayor, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

19. **Leader's Announcements**

To receive such announcements as may be made by the Leader.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 22nd October, 2015 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor H Gaddum (Mayor/Chairman)
Councillor O Hunter (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, T Dean, B Dooley, L Durham, S Edgar, P Findlow, R Fletcher, T Fox, D Flude, S Gardiner, S Gardner, L Gilbert, M Grant, P Groves, J Hammond, A Harewood, G Hayes, S Hogben, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, R Menlove, G Merry, A Moran, B Moran, D Newton, M Parsons, S Pochin, J Rhodes, B Roberts, M Sewart, M Simon, L Smetham, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, L Wardlaw, M Warren, M J Weatherill, G Williams and J Wray

Apologies

Councillors M Deakin, I Faseyi, M Hardy, D Hough, S McGrory, H Murray, J Saunders, H Wells-Bradshaw and J Weston

32 PRAYERS

The Mayor's Chaplain said prayers, at the request of the Mayor.

33 DECLARATIONS OF INTEREST

There were no declarations of interest.

34 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes be approved as a correct record.

35 MAYOR'S ANNOUNCEMENTS

The Mayor announced: -

That since the last meeting of Council, she had attended 60 events across the Borough.

The Mayor thanked members who attended her civic service and thanked her Chaplain and Kings School choir for their part in the service.

The Mayor paid tribute to the staff and emergency services dealing with the aftermath of the Bosley incident and commended those who had raised money to help the local community.

The Mayor spoke about the Local Hero and Community pride awards which she had attended and which demonstrated why Cheshire East was a good place to live.

The Mayor formally reported to Council the recent sad deaths of Councillor Peter Mason and former Macclesfield Borough and Poynton Town Councillor David Robbie. Council stood for a minute's silence in tribute.

36 PUBLIC SPEAKING TIME/OPEN SESSION

Sue Helliwell used public speaking time to alert the Council to the actions of the residents of Alsager who were helping Syrian refugees. She called upon the Council to put in place the necessary resources to support both the families and the townspeople and called on Cheshire East to follow their lead.

The Leader of the Council stated that he had met with Councillors and that Cheshire East stood ready to work together with communities to assist in this regard.

37 PETITION FOR DEBATE - PUBLIC INTERMEDIATE CARE, DEMENTIA CARE AND DAY, RESPIRE AND ASSESSMENT CARE AND ANCILLARY FACILITIES

Mrs C Peters Rock presented a petition to Council for debate which contained over 4,000 signatures, the subject of which was as follows -

"Petition to Cheshire East Council, East Cheshire NHS Trust, Eastern Cheshire CCG.

Please reopen for local public use – and keep open – for all ages our public intermediate care – dementia care - Also day, respite and assessment care – and ancillary facilities to support our public need. Legal Duty of Care lies with our public organisations – and that must remain."

In accordance with the Council's Petition Scheme, Mrs Peters Rock spoke to the petition and responded to questions from Councillors on the subject matter of the petition. The Mayor then explained the procedure Council would follow when debating the petition.

In opening the debate, the following motion was proposed by Councillor Clowes: "Cheshire East Council accepts the petition and that the comments be noted but that no action be taken on the petition", which was seconded by Councillor Groves.

Councillors debated both the subject of the petition and the motion proposed, which gave rise to an amendment to the motion proposed by Councillor Laura Jeuda “This Council will keep open Lincoln House and Hollins View for in house respite care for the foreseeable future”, which was seconded by Councillor Parsons.

Following a further debate, a request for a recorded vote on the amendment to the motion was put by Councillor Hogben, which was supported by 8 members.

<u>Name</u>	<u>Vote cast</u>
Councillor Chris Andrew	Against
Councillor Ainsley Arnold	Against
Councillor Damian Bailey	For
Councillor Rachel Bailey	Against
Councillor Garry Barton	Against
Councillor Paul Bates	Against
Councillor Gordon Baxendale	Against
Councillor Derek Bebbington	Against
Councillor Michael Beanland	Against
Councillor Suzanne Brookfield	For
Councillor Ellie Brooks	Against
Councillor David Brown	Against
Councillor Craig Browne	Against
Councillor Barry Burkhill	For
Councillor Penny Butterill	For
Councillor Steve Carter	For
Councillor Clair Chapman	For
Councillor Janet Clowes	Against
Councillor Sam Corcoran	For
Councillor Harold Davenport	Against
Councillor Stan Davies	Against
Councillor Tony Dean	Against
Councillor Beverley Dooley	Against
Councillor Liz Durham	Against
Councillor Steven Edgar	Against
Councillor J Paul Findlow	Against
Councillor Rod Fletcher	For
Councillor Dorothy Flude	For
Councillor Toni Fox	For
Councillor Hilda Gaddum	Not voting
Councillor Stewart Gardiner	Against
Councillor Sam Gardner	Against
Councillor Les Gilbert	Against
Councillor Maureen Grant	For
Councillor Peter Groves	Against
Councillor John Hammond	Against
Councillor Alift Harewood	For
Councillor George Hayes	Against

Councillor Steve Hogben	For
Councillor Olivia Hunter	Against
Councillor Janet Jackson	For
Councillor Laura Jeuda	For
Councillor Michael Jones	Against
Councillor Andrew Kolker	Against
Councillor Jamie Macrae	Against
Councillor Dennis Mahon	For
Councillor Nick Mannion	For
Councillor David Marren	Against
Councillor Andrew Martin	Against
Councillor Rod Menlove	Against
Councillor Gill Merry	Against
Councillor Arthur Moran	For
Councillor Barry Moran	Against
Councillor David Newton	For
Councillor Michael Parsons	For
Councillor Sarah Pochin	Against
Councillor Jill Rhodes	For
Councillor Brian Roberts	For
Councillor Mike Sewart	Against
Councillor Margaret Simon	Against
Councillor Lesley Smetham	Against
Councillor Don Stockton	Against
Councillor Amanda Stott	For
Councillor Gail Wait	Against
Councillor Bernice Walmsley	For
Councillor George Walton	Against
Councillor Liz Wardlaw	Against
Councillor Mick Warren	For
Councillor Jacquie Weatherill	Against
Councillor Glen Williams	Against
Councillor John Wray	Against

The amendment was declared lost, with 25 for, 45 against and 1 not voting.

Council resumed the debate on the original motion before moving to the vote.

RESOLVED

That Cheshire East Council accepts the petition and that the comments be noted, but that no action be taken on the petition

38 RECOMMENDATION FROM CABINET - FIRST QUARTER REVIEW OF PERFORMANCE

Consideration was given to a report on the first quarter review of performance 2015/16, including supplementary capital estimates and virements, which had been considered by Cabinet on 29 September 2015.

The report set out the Council's financial and non-financial performance at the first quarter stage of 2015/16 and highlighted the latest progress towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016. The first quarter review showed how the Council was continuing to build on the positions achieved in the last two years, which demonstrated that the overall financial health, performance, resilience and value for money at Cheshire East Council was strong.

The recommendations from Cabinet were proposed and seconded.

The following amendment was proposed and seconded and declared carried:-

"That any money spent from earmarked reserves should either be spent in- house or through the proper competitive tendering process".

RESOLVED

That the fully funded supplementary capital estimates and virements above £1,000,000 be approved, in accordance with Finance Procedure Rules (Appendix 7 of the report); and

That a new earmarked reserve be established for Early Intervention Initiatives by a transfer of £0.5m from general balances, as set out in Section 2, paragraph 197 of the report, and that any money spent from earmarked reserves be either spent in-house, or through the proper competitive tendering process.

(At this point the meeting was adjourned for a short break).

39 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PROPOSED CHANGES TO THE COUNCIL'S CONSTITUTION

Consideration was given to a report which proposed a number of changes to the Constitution, which were intended to bring benefits to the Council's decision-making and other arrangements and which had been recommended for approval by the Constitution Committee on 17th September 2015.

RESOLVED

That the following changes to Cheshire East Council's Constitution be approved:-

- 1 The Constitution Committee be given the delegated authority to make all changes to the Council's Constitution which are not major, subject to the Head of Legal Services and Monitoring Officer and Chief Operating Officer (s151 Officer) agreeing that the proposed changes are not major and to Council subsequently being informed of such changes, provided that such changes as are considered by the Committee and agreed by the Head of Legal Services and Monitoring Officer and Chief Operating Officer (s151 Officer) to be major shall be referred to Council for approval;
- 2 The Head of Legal Services and Monitoring Officer be given delegated authority, in consultation with the Chair and Vice-Chair of the Constitution Committee, to make such changes to the Council's Constitution as he/she deems to be necessary and which are:

- in the Council's interests;
- not major in nature;

including, but not limited to, changes;

- amounting to routine revisions;
- to provide appropriate clarity;
- to correct typographical and other drafting errors;
- to reflect new legislation;
- to correct inconsistencies in drafting;
- to reflect new officer structures and job titles, properly approved through Council processes (including amendments and revisions to the Proper Officer Functions).

- 3 In relation to the Planning Committees that:
 - (a) From the start of the next Municipal Year the Strategic Planning Board, and the Northern and Southern Planning Committees be reduced in size to 12 with a composition of 8:2:2 (Conservative: Labour: Independent) for each Board/ Committee;
 - (b) the political group representation agreed at the Council's Annual Meeting, and the methods, calculations and conventions used in determining this be amended to reflect the reduced memberships;
 - (c) that any necessary and consequential adjustments be made to the total number of committee places allocated to each political group in order to meet legislative political proportionality requirements, in consultation with the political group leaders, together with any resultant changes in committee places; and
 - d) the operational effectiveness be kept under review.

- (e) the Constitution be amended as set out in Appendix 1 to reflect that there are to be no substitutes at Planning Committee other than named substitutes
- 4 Amendments are made to the Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1 and that consequential amendments are made to that Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1 such that Certificates of Lawfulness may only be signed off under delegated powers following Consultation with the Head of Legal Services and Monitoring Officer.
- 5 The Protocol on Public Speaking at Planning Committees be amended by increasing speaking time for the Local Parish Council from 3 minutes to 5 minutes to ensure that there is a stronger local voice in the process, that lobby groups be included within the time allowed for objectors/supporters to speak.
- 6 Amendments are made to the Scheme of Delegation of Officers and Terms of Reference of Committees to delegate decisions with regard to Neighbourhood Planning as set out in Appendix 1.
- 7 In relation to Notices of Motion that:
 - (a) Notices of Motion will be moved and seconded at Council meetings, without any comment from the movers and seconders, and referred-on for determination by the relevant decision-making body, provided that the existing rules which allow certain Notices of Motion to be debated and disposed of at Council meetings will continue to have effect.
 - (b) That the Head of Legal Services and Monitoring Officer be instructed to make the changes set out in Appendix 2.
- 8 The template agendas set out in Appendix 3 be adopted for use at Annual Council and ordinary Council meetings and incorporated into the Constitution.
- 9 In relation to Staffing issues that:
 - (a) the terms of reference of the Staffing Committee and the powers of the Chief Executive and Scheme of Delegation to Officers be amended in the Constitution as set out in Appendix 4;
 - (b) the Staff Employment Procedure Rules be amended as set out in Appendix 4; and
 - (c) the powers of the Head of Paid Service in relation to staffing and other matters be amended in the Constitution as set out in Appendix 4.

- 10 The Head of Legal Services and Monitoring Officer be authorised, in consultation with the Head of Paid Service, to make such changes to the Constitution as he/she considers are necessary to give effect to the wishes of Council in respect of such staffing matters as were considered at the Council meeting of 23rd July 2015 and to incorporate the changes that were put before the Committee on the 26th March 2015 that have not been superseded by the subsequent changes in the staffing structure.
- 11 The proposed changes set out in Appendix 5 (Health and Wellbeing Board Terms of Reference) be accepted.
- 12 That paragraph 11 (c) below (Constitution page 191), which permits topical questions, be amended as follows:

“(c) where time permits, questions which are of a topical nature be accepted **where the Mayor deems it to be appropriate.**”.
- 13 That paragraph 11.11 (Constitution page 192), which deals with the frequency with which question can be re-submitted, be amended by replacing 3 months with 6 months as set out below:

“11.11 No questions will be allowed which repeat, or are substantially the same as, questions submitted to a meeting of Council during the preceding **6** months.
- 14 That procedural rule 26.2 (Constitution page 197), which deals with changes to the approved calendar of meetings, be amended as below:

“26.2 A meeting of a decision-making body scheduled in the Calendar of Meetings may be cancelled or changed by the Chairman following consultation with the whole membership of the body and with the agreement of a simple majority of **those** members of that body **who respond within 2 working days of being notified of the proposed cancellation or change**, provided that such cancellation or change takes place at least five clear working days before the scheduled date of the meeting to enable sufficient public notice to be given.”
- 15 That the existing list of Category 1 organisations in the Constitution be replaced by Appendix 6.
- 16 That the Constitution be amended in accordance with the changes set out in Appendix 9 to effect the removal of the requirement to hold secret ballots from the Council Procedure Rules.
- 17 That the suggested definition of an urgent decision is inserted into the Constitution (Part 4 Procedure Rules General Provisions Appendix 4, page 225) as follows:

“A decision will be urgent if any delay likely to be caused by following the usual procedures would seriously prejudice the Council’s or the Public’s interests. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for an urgent decision should be reported to the Audit and Governance Committee on a quarterly basis.”

- 18 That Paragraph 6 of the Mayoralty Code of Practice (Constitution page 442) be amended as follows:

“The Mayor should not be appointed as Chairman or Vice-Chairman **or member** of any Committee or Sub-Committee of the Council **or Cabinet support member or act or be appointed to act as a Director of any of the Council’s Alternative Service Delivery Vehicles during his term of office.....**”

- 19 That the Audit and Governance Committee’s terms of Reference be amended by the inclusion of the following wording as an introductory paragraph in the Constitution at the start of page 109:

Membership (11)

The Audit and Governance Committee, like all of the Council’s Committees, must be politically balanced. However the success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on members not to make inappropriate use of information provided to the Committee for other purposes.

The Committee is composed of 11 Members, comprising 10 members of Council and one independent voting member (a member who is not a Councillor) with the Chair and Vice Chair being appointed at full Council. The co-option of an independent member will help to bring additional knowledge and expertise to the committee and also reinforce its political neutrality and independence. To ensure the Committee remains focussed on its assurance role any designated substitute must be appropriately trained.

- 20 That the Constitution be amended to reflect the changes set out below.

(a) That the following wording be inserted as a new paragraph 2.2 at page 51 (Chapter 14 Management of the Constitution):

“2.2 Once the changes to the Constitution have been formally approved by or notified to Council the amended version will be published on the Council’s website within one (1) month.”

- (c) That the wording of paragraph 5 (page 52) be amended as follows:

will provide **an electronic copy** of this Constitution to each Member of the authority upon delivery of that Member's declaration of acceptance of office on the Member first being elected to the Council;

- 21 That the Constitution be amended to remove reference to members' pensions from the responsibilities of Council and Constitution Committee as follows:

(a) Paragraph 12 of page 56 be amended by removing the wording in red as below:

"12. will approve the Members Allowance Scheme **including any pension provision** for elected Members following advice from the Independent Remuneration Panel;

(b) Paragraph 7 of page 107 be amended by removing the wording red as below:

"7. overseeing and monitoring the Members' Allowance budget, **including pensions**, and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel to advise the Council on the adoption or the scheme and on any proposed amendments;"

- 22 That paragraph 7 of the responsibilities of Cabinet (Constitution page 62) be amended to reflect that Human Resources Policies are approved by Staffing Committee:

"7. **developing**, monitoring and reviewing any Council Corporate personnel and human resources policies;"

- 23 That paragraph 1 (b) of the Strategic Planning Board terms of reference (Constitution page 88) be amended as follows:

~~to vary the number, size and working arrangements of the Planning Committees, to appoint their membership to vary the division of functions and delegations between the Board, the Planning Committees and the Director of Planning & Sustainable Development.~~

- 24 That the paragraph 2 (b) of the Strategic Planning Board terms of reference (Constitution page 89) be amended as follows:

(b) submitted by a councillor, senior Council officer (**Grade 12** or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.

- 25 That the Head of Legal Services and Monitoring officer be given delegated authority to make consequential changes to the Constitution to reflect the change in title from Corporate Leadership Board to Management Group Board.

- 26 That the wording of paragraph 3.2 (Constitution page 30), which relates to Task and Finish Groups, be amended to read as follows:

“Any Committee which sets up a Task and Finish Group will appoint its Chairman (and Vice-Chairman, if appropriate) and agree the membership. This must be cross party.”

- 27 That paragraph 4.2 of the (Constitution page 49 Chapter 13 – Finance, Contracts and Legal Matters) be amended by adding the wording in red as follows:

“4.2 Any contract entered into on behalf of the Council shall be made in accordance with the Council's Finance Procedure Rules and Contract Procedure Rules. In the absence of any authority given to a specific officer under the Council's Finance Procedure Rules and Contract Procedure Rules all such contracts must either be signed by at least the Head of Legal Services or his/her authorised deputy, plus another of his/her authorised deputies or be made under the common seal of the Council.

- 28 That the terms of reference of the Macclesfield Local Service Delivery Committee are deleted from the Constitution as following the creation of Macclesfield Town Council, this committee and references to it in the Constitution are now obsolete.

- 29 That paragraph 22.1 (Constitution page 196) which relates to the term of office of Members of committees and sub-committees, be amended as per the wording in red below:

“22.1 Committee and Sub-Committee Members will be appointed by the Council. The Council may, at any time, dissolve, alter or amend the membership of a Committee or Sub-Committee.”

- 30 That paragraph 28.6 of the Constitution (page 198) which related to the minutes of Committees and sub-committees, be amended by replacing 1 hour with 24 hours as shown in red below:

“28.6 . Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least 24 hours before the start of the meeting

- 31 That the Constitution is amended in accordance with the changes set out in Appendix 7 (Local Choice Functions).

32 The Committee recommends to Council that the Constitution is amended in accordance with the changes set out in Appendix 8 (Contract Procedure Rules) and the Chair and Vice-Chair of the Constitution Committee agree the content and format of the Procurement Engagement Form.

33 Following the deletion of the post of Executive Director Strategic Commissioning, the Head of Legal Services and Monitoring Officer be given the delegated authority to implement the necessary changes to the Constitution to reflect the re-allocation of delegations within the Officer Scheme of Delegation.

40 **RECOMMENDATION FROM THE AUDIT AND GOVERNANCE COMMITTEE - REVIEW OF STANDARDS ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS**

Consideration was given to a report relating to the Code of Conduct Complaints procedure, which had last been approved by Council on 17 July 2014.

The report now before Council gave details of a review of the approved procedures to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Member Code of Conduct and recommended improvements to them.

RESOLVED

(a) That the proposed revised arrangements for dealing with complaints about members who are alleged to have breached their Council's code of conduct for members be approved.

(b) That the plain English version of the guidance "How to make a complaint" at **Appendix 3** of the report replace the current version of that guidance on the council website;

(c) That the amended complaint form set out at **Appendix 2** be adopted; and

(d) That the amended overview document set out at **Appendix 4** and the amended hearing procedure set out at **Appendix 5** be adopted.

41 **APPOINTMENT TO THE FIRE AUTHORITY**

Consideration was given to a report which invited Council to make an appointment to the Cheshire Fire Authority, to fill the vacancy following the death of Cllr Peter Mason.

RESOLVED: That Councillor Steven Edgar be appointed to the Cheshire Fire Authority.

42 **LEADER'S ANNOUNCEMENTS**

The Leader announced that:

With immediate effect, Councillor Sam Gardner had been appointed to Cabinet, his new portfolio to be open spaces, Councillor Liz Durham to replace him as Deputy Cabinet Member for finance.

He had recently returned from China as part of a trade delegation where he had met with businesses looking to invest in Cheshire East.

He had recently met with government Ministers on a number of matters, but understood that an announcement regarding HS2 was imminent.

He welcomed the Chancellor's recent announcement that Councils would soon be able to retain most of the business rates paid by local businesses, which could be of significant value to Cheshire East.

Sunday marked the 100th day since the Bosley explosion and he paid tribute to those who had raised money, including Stoke-on-Trent City Council.

Work on the UCT was progressing and to build on this, an ASDV would be set up to deal with learning and skills.;

The Cheshire and Warrington and Stoke-on-Trent and Staffordshire Local Enterprise Partnerships (LEPs) had signed a concordat to drive forward the Northern Gateway Partnership and unlock major growth and investment opportunities.

The Engine of the North was assisting in delivering affordable housing to rent for those who needed this.

Cheshire Police had been ranked in the top five of the Peel reports.

43 **NOTICES OF MOTION**

The following Notices of Motion were submitted to Council in accordance with Procedure Rule 12:-

1 Syrian Refuges

Proposed by Councillor Sam Corcoran and Seconded by Councillor Irene Faseyi

"This Council would welcome an appropriate number of Syrian refugees to Cheshire East."

2 Trade Union Membership

Proposed by Councillor Damian Bailey and Seconded by Councillor Nick Mannion

"That this Council recognises the positive contribution that trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all of our staff, to the delivery of good quality public services.

This Council notes with concern the Trade Union Bill which is currently being proposed by the Government which would affect this Council's relationship with our trade unions and workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on the right to manage our own affairs.

This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs has a valuable role to play in the creation of good quality, responsive local services that truly puts our residents first. Facility time should not be determined or controlled by the Government in London.

This Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through the payroll. We see this as an important part of our positive industrial relations and a cheap and easy way to administer a system that supports our staff. This system is an administrative matter for this Council and it should not be interfered with.

This Council further resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off."

RESOLVED

That motions stand referred to Cabinet.

44 QUESTIONS

Members asked the following questions:-

Councillor Steve Carter in respect of the timings of Council meetings - The Leader of the Council responded.

Councillor Paul Bates in respect of comments in the press relating to Cheshire East - The Leader of the Council responded.

Councillor Wait in respect of Northern Gateway - The Leader of the Council responded.

Councillor Arthur Moran in respect of a shortage of places at primary schools - The Portfolio Holder for Children and Families, Councillor Rachel Bailey responded.

Councillor Laura Jeuda in respect of contracts tended for by Everybody Sports and Leisure - The Leader of the Council responded.

Councillor Rod Menlove in respect of the recent reduction to the Council's pest control services – The Communities Portfolio Holder, Councillor Les Gilbert, responded.

Councillor Nick Mannion in respect of contracts tended for by CoSocius - The Leader of the Council responded.

Councillor Craig Browne in respect of Section 106 monies – The Housing and Planning Portfolio Holder, Councillor Ainsley Arnold, responded.

Councillor Les Gilbert in respect of securing a Holmes Chapel bypass and protecting land from development - The Leader of the Council responded.

Councillor Dorothy Flude in respect of correspondence relating to Councillor Jones - The Leader of the Council responded.

Councillor Lesley Smetham in respect of the impact of the Northern Powerhouse and the green belt - The Leader of the Council responded.

Councillor Alift Harewood in respect of Syrian Refugees - The Leader of the Council responded.

The meeting commenced at 10.00 am and concluded at 1.05 pm

Councillor H Gaddum (Chairman)
CHAIRMAN

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Cabinet Paper

Date of Meeting:	8 th December 2015
Report of:	Peter Bates
Subject/Title:	Council Tax Support Scheme 2016/17
Portfolio Holder:	Cllr Peter Groves, Finance and Assets

1. Report Summary

- 1.1. Further to Central Government's welfare reform changes, Council Tax Benefit was abolished and from April 2013 has been replaced by a localised Council Tax Support Scheme. The scheme must be approved by full Council each year.
- 1.2. The Council's scheme only affects those of working age; pensioners are protected and CLG maintain this scheme, which mirrors the former Council Tax Benefit. Details of the current scheme can be found at:
www.cheshireeast.gov.uk/benefits_housing_council_tax/council_tax_support_scheme.aspx
- 1.3. As it is now into the third year of the scheme a public consultation has been undertaken on proposed changes to the Council Tax Support Scheme for 2016/17. This review is being undertaken to identify additional savings to contribute to the Council's medium term financial challenge, whilst ensuring the scheme remains fair to residents, continues to support vulnerable people and encourages those who can work to do so, or to increase their hours and/or pay to reduce welfare dependency.
- 1.4. The Council Tax Support Scheme is intended to help those on low income/low earnings meet their Council Tax liability, reducing debt and poverty. The Council's current scheme is designed:
 - To incentivise those who can work to do so
 - To reward those who are in work, on a low wage
 - For those with capital to meet the liability
 - Encourage those on low income to downsize and move to more affordable housing (lower banded)
- 1.5. These principles are reflected in the Council's ambition to support and focus people into work, with unemployment rates dropping and the broader strategies supporting economic growth, ensuring every resident has the opportunity to work, and every business has the opportunity to thrive.

- 1.6. More and more residents are taking responsibility for their own welfare. Only 0.7% of working age residents are in receipt of Job Seekers Allowance. 1.2% of the working age population is receiving Job Seekers Allowance or is receiving Universal Credit whilst out of work¹. This is much lower than the combined rate of 1.9% for the Country as a whole, reflecting the success of the economic growth initiatives.
- 1.7. This report outlines the results of the consultation on the proposals and recommendations for changes to the Council Tax Scheme for 2016/17. The responses were mainly in support of all the recommended changes to the scheme but were very close as outlined at 5.11.
- 1.8. The responses to the questions were close with the majority not disagreeing with all of the proposals or not expressing an opinion. This would result in a saving of £900k per annum (based upon current Council Tax levels and allowances).

2. Recommendations

- 2.1. The proposed changes to the scheme for 2016/17 are:
 - a. Restrict the maximum support available to Band B (currently restricted to Band D)
 - b. Increase the minimum contribution from the current 20% to 25%
 - c. Increase the minimum award from 50p to £2 per week
 - d. Increase non-dependent deductions from £5 to £7 per week
 - e. Capital limit reduced from £10,000 to £6,000
 - f. Each year the allowances used within the calculation are increased in line with those used for Housing Benefit
 - g. Reduce the period of additional support awarded when starting work from 8 weeks back to the standard 4 weeks in Housing Benefit
 - h. Remove backdating of claims, currently a maximum of 13 weeks
- 2.2. Cabinet is requested to support these changes and recommend to Council that it approves the amendments at 2.1.

3. Other Options Considered

- 3.1. Apart from the recommended changes to the scheme outlined in Section 2, another option is to leave the scheme unchanged for 2016/17 apart from reviewing the level of allowances used in the calculation. This would not result in any additional savings.
- 3.2. A further option for Council to consider is to only implement some of the changes outlined in 2.1 resulting in less savings.

¹ www.nomisweb.co.uk/query/select/getdatasetbytheme.asp?theme=72

4. Reasons for Recommendations

- 4.1. A summary on the results of the consultation is detailed at 5.11 to support the recommendations, with the full responses attached as **Appendix A**.

5. Background/Chronology

- 5.1. Further to Section 1, the Council Tax Support Scheme is intended to help those on low income/low earnings meet their Council Tax liability, reducing debt and poverty. The Council's current scheme is designed:

- To incentivise those who can work to do so
- To reward those who are in work, on a low wage
- For those with capital to meet the liability
- Encourage those on low income to downsize and move to more affordable housing (lower banded)

- 5.2. The main changes introduced when the Council's current scheme was introduced were:

- All working age customers responsible for a minimum contribution of 20% of their Council Tax liability.
- Upper Capital limit reduced to £10,000 and £10 per week income assumed for every £1,000 over the £6,000 lower limit
- Awards capped to the maximum for a Band D in the area for those living in Bands E-H. A claimant living in a Band F would only receive the maximum payable to someone in Band D.
- Non-dependent deductions set to a standard £5 per week
- Minimum award of 50p per week

- 5.3. The calculation of Council Tax Support already includes additional allowances to support those households with additional requirements (pensioners are already protected – see 1.2):

- Families
- Disabled
- Carers

- 5.4. Additional protections and assistance are available to reduce Council Tax for those living in a property², including the following:

- Foster Carers
- Disabled Band Reduction³
- Severe Mental Impairment
- Carers
- Students

- 5.5. The Council also has powers to reduce liability on a case by case basis, under Section 13A⁴ of the Local Government Finance Act 1992.

² www.cheshireeast.gov.uk/council_tax/discounts_and_exemptions/occupied_property_discounts.aspx

³ www.cheshireeast.gov.uk/council_tax/discounts_and_exemptions/disabled_reduction.aspx

⁴ www.cheshireeast.gov.uk/council_tax/discounts_and_exemptions/council-tax-reductions.aspx

- 5.6. Expenditure over recent years is shown below (total covers Working Age and Pension Age claims). Following the abolition of Council Tax Benefit, from April 2013 funding received by CLG was reduced by 10% although those of pension age remain protected. Within Cheshire East, half of the current caseload are of pension age and therefore protected (currently supporting 21,025 households of which 10,610 are of working age).

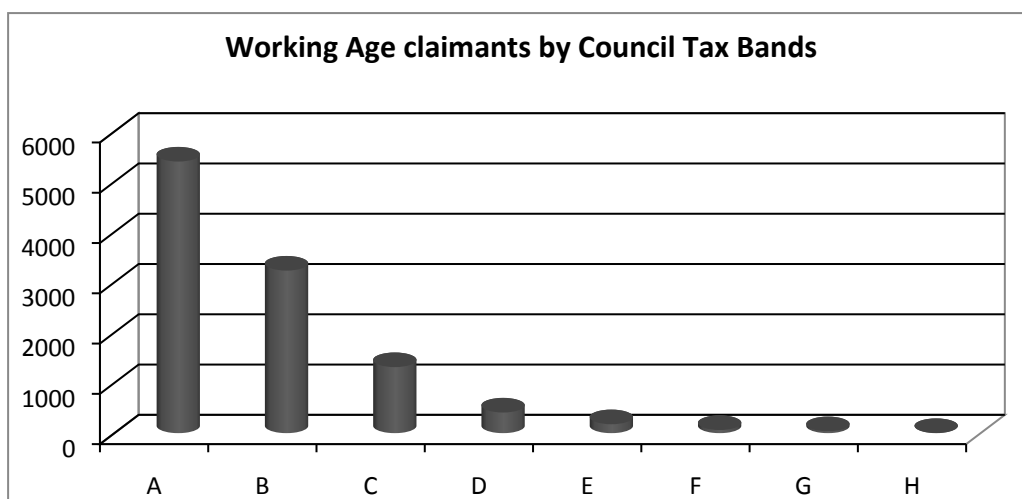
2012/13	£20,766,029
2013/14	£17,735,878
2014/15	£16,272,495
2015/16	£15,360,916 (as at 23 October 2015)

- 5.7. The New Policy Institute have recently issued a report 'Managing the challenges of localised Council Tax Support'⁵ raising the following key points:

- Schemes varied in type and the minimum payments expected of claimants. There were no obvious patterns by political control, demography or location.
- Among those local authorities choosing to bring in a new system rather than absorb the cost of their 10 per cent cut in funding for CTS, approaches varied significantly. Some opted for a transition scheme in the first year. Others felt that the schemes they had devised were the best available.
- Some councils had opportunities to recoup costs by, for instance, removing exemptions on second homes. These options are not available to all councils, but should be pursued where possible.
- There were several examples of innovative working both within councils and with the third sector to ensure that residents were informed of changes and made aware of how they would be affected.
- While many councils have so far resisted using enforcement agents or court summons for CTS debts, many now have residents with two or more years' outstanding payments. The sustainability of the current mix of scheme design on the one hand and collection and enforcement policy on the other is therefore under question.
- As it stands, it is hard to see how the many different CTS schemes can be integrated with Universal Credit

- 5.8. The following shows the number of working age households in receipt of Council Tax Support by Council Tax band:

⁵ www.jrf.org.uk/publications/council-tax-best-practice



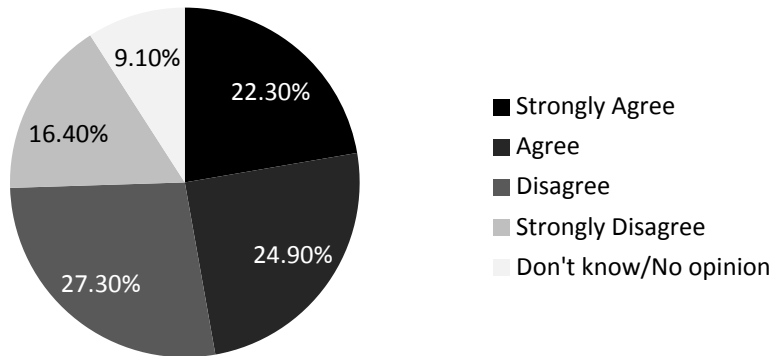
5.9. The Council consulted with the Fire Service and the Police Authority (major precepting authorities) on the proposed changes to the Scheme in August 2015. The proposed draft scheme was published on the Council's web site. The consultation was promoted on the Council's web site, press releases issued and a mail shot seeking views was sent to all current Council Tax Support recipients. Key Stakeholders such as Registered Social Landlords and representatives of Cheshire East Welfare Rights Group were also consulted.

5.10. A public consultation ran from 7 September to 25 October 2015 to seek views on the following proposed changes (affecting working age claimants only) providing details on the draft scheme.

- Restrict the maximum support available to Band B (currently restricted to Band D)
- Increase the minimum contribution from the current 20% to 25%
- Increase the minimum award from 50p to £2 per week
- Increase non-dependent deductions from £5 to £7 per week
- Capital limit reduced from £10,000 to £6,000
- Each year the allowances used within the calculation are increased in line with those used for Housing Benefit
- Reduce the period of additional support awarded when starting work from 8 weeks back to the standard 4 weeks in Housing Benefit
- Remove backdating of claims, currently a maximum of 13 weeks

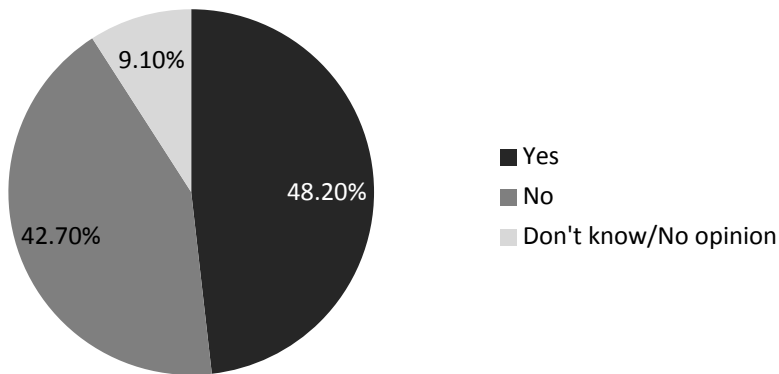
5.11. A total of 673 responses were received, 72 of which were partially completed. **Appendix A** is a summary of all of the responses and comments received.

Support should be capped to Band B

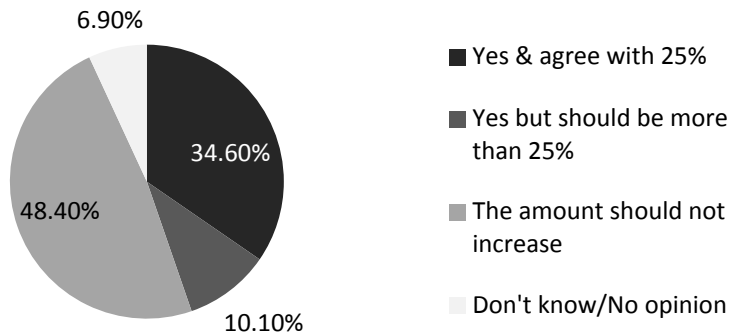


Strongly Agree/Agree: 47.2%
 Strongly Disagree/Disagree: 43.7%

People with over £6,000 capital should not receive support

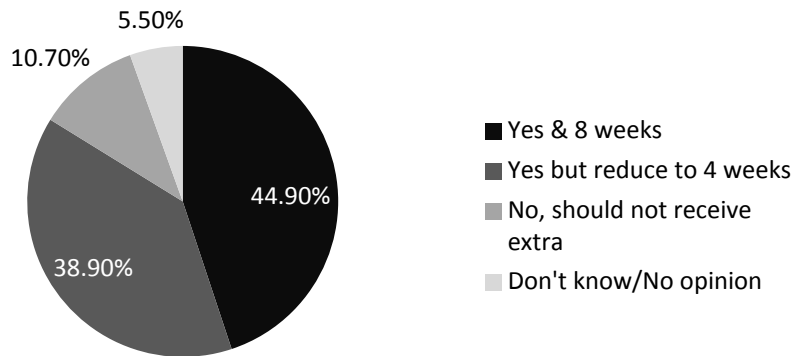


All working aged claimants should pay a minimum of 25% towards their Council Tax

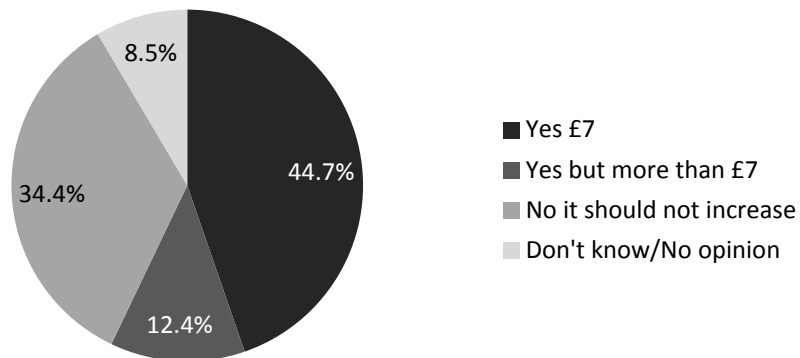


Increase to 25% or more: 44.7%
 Do not increase: 48.4%

Continue to award an extra 8 weeks support when starting work

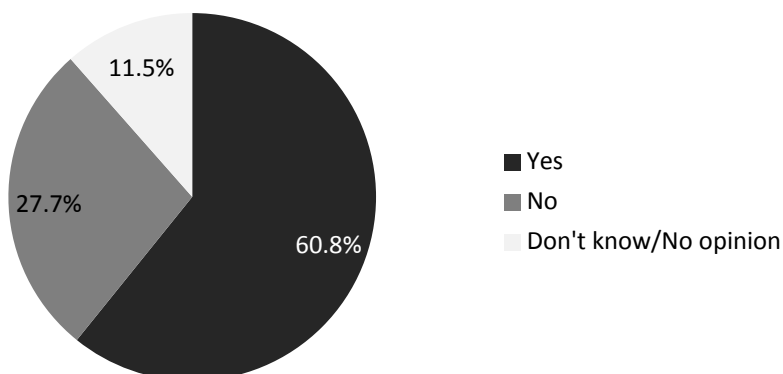


Should the non-dependant deduction increase to £7 per week?

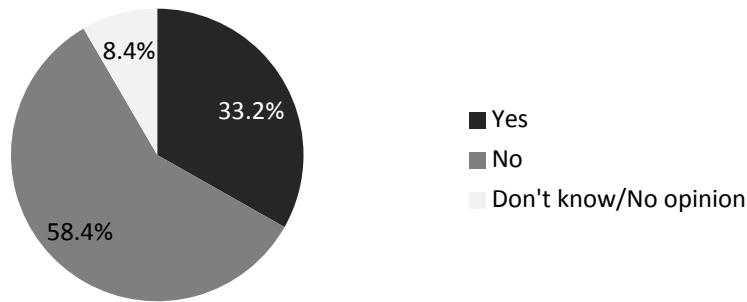


Increase to £7 or more: 57.1%
Do not increase: 34.4%

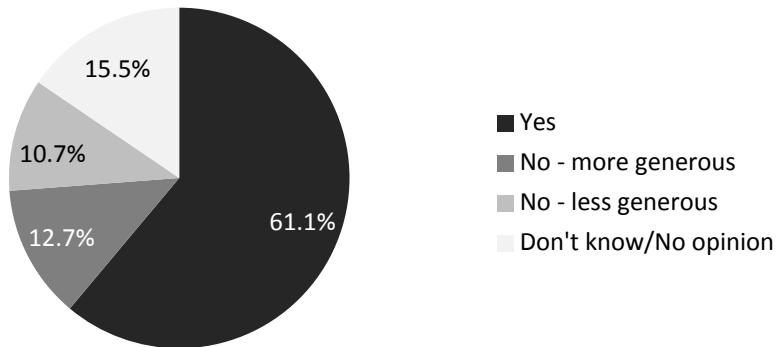
Minimum weekly award should increase from 50p to £2



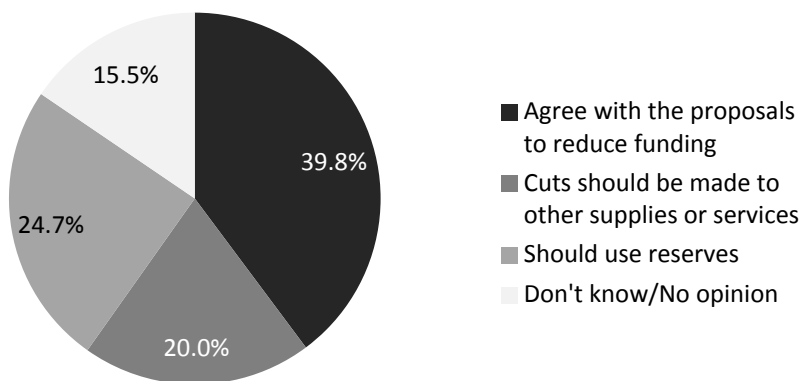
Stop backdating claims for 13 weeks where the claimant has a good reason for not claiming on time



The allowances for calculating Support should be the same levels used for calculating Housing Benefit



Views on funding the Council Tax Support Scheme



5.12. Respondents were asked for their views on which groups would be most affected by the proposed changes to the scheme. The following is a summary of the feedback of the groups raised:

- Disabled
- Mental health condition, learning disability or acquired brain injury
- Families
- Lone parents
- Vulnerable
- Unemployed
- Elderly (N.B. *not affected as the scheme is for working age only*)

5.13. The consultation invited respondents to add any other general comments concerning the proposals or any other issues. The full response will be added to the Council's website with all the results of the consultation, but the following comments were raised numerous times:

- Consider increasing Council Tax for everyone rather than targeting the poorest/most vulnerable
- Any increases should be linked to inflation

6. Wards Affected and Local Ward Members

6.1. All Wards and local Ward Members are affected

7. Implications of Recommendation

7.1. Policy Implications

7.1.1. The proposed reduction in funding of the Council Tax Support Scheme is supporting the Council's Outcomes:

- **Outcome 1** - Our local communities are strong and supportive
 - Reducing welfare dependency
- **Outcome 2** - Cheshire East has a strong and resilient economy
 - Encouraging business growth and tourism to enable those who can work to do so

7.2. Legal Implications

7.2.1. Section 13A of the Local Government Finance Act 1992, as amended by the Local Government Finance Act 2012, places a duty on the Council to make a scheme specifying the reductions to council tax for those:

- persons whom the authority considers to be in financial need, or
- persons in classes consisting of persons whom the authority considers to be, in general, in financial need

7.2.2. The Scheme must be approved by full Council by 31 January preceding the start of the financial year it relates to.

7.2.3. The Local Government Finance Act 1992 (amended) states that before making, revising or replacing a scheme the authority must (in the following order):

7.2.3.1. Consult any major precepting authority which has power to issue a precept to it,

7.2.3.2. Publish a draft scheme in such a manner as it thinks fit, and

7.2.3.3. Consult with such other persons as it considers are likely to have an interest in the operation of the scheme.

7.2.4. In exercising its decision making powers Cabinet must be satisfy its public law duties. This means that in making the decision Cabinet must take into account only relevant considerations, follow procedural requirements, act for proper motives and not act unreasonably.

7.2.5. Consultation has been undertaken in respect of these proposals. The general legal principles that must be followed when carrying out a consultation and when making a decision where consultation has taken place are well established and can be summarised as follows:

7.2.5.1. The consultation must be at a time when proposals are still at a formative stage.

7.2.5.2. The proposer must give sufficient reasons for any proposal to enable intelligent consideration and response. Those consulted should be aware of the criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance at the end of the Consultation process

7.2.5.3. Adequate time must be given for consideration and response.

7.2.5.4. The product of consultation must be conscientiously taken into account in finalising any proposals.

7.2.6. Cabinet must satisfy itself that the consultation has been properly conducted in line with the principles above. In addition, Cabinet must ensure that it is clear of the outcomes of that consultation and therefore, as decision maker, is able to take the results fully into account when making its decision on the proposals contained in this report.

7.2.7. Whilst there is an obligation to take into account the product of consultation, the outcome of the consultation is one of a number of factors to be taken into account in making the decision. In making its decision Cabinet must both look at the outcome of the consultation was looked at and also set out the weight that was attached to it in relation to/balanced with other factors (which must be recorded as part of its decision).

7.2.8. In making its decision, Cabinet must have due regard to the Public Sector Equality Duty as set out at S149 of the Equality Act 2010, which states:

“(1) A public authority must, in the exercise of its functions, have due regard to the need 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... “

7.2.9. To assist Cabinet in respect of the Public Sector Equality Duty, an equality impact assessment (7.4.1) and full health impact assessment (7.7.1) have been carried out. Cabinet must conscientiously take into account the outcome of the assessments in reaching its decision.

7.3. Financial Implications

7.3.1. The cost of the Council Tax Support Scheme has an impact on the Council Tax base. A separate report to Cabinet provides the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2016/17, for consideration and recommendation to Council.

7.3.2. The following shows the impact on Council Tax collection rates following the introduction of the Council tax Support Scheme. A change of 0.1% is broadly equivalent to £200k.

2012/13	98.23%
2013/14	98.09%
2014/15	97.92%

7.3.3. Whilst In year collection for Cheshire East has reduced marginally, collection over the longer term (2 and 3 years) is strong and in line with budget expectations which forecast collection for Council Tax to achieve 98.75% within 2 years. The table below shows the position to March 2015:

Financial Year	Total Council Tax due £M	Collection Rate 'in year' %	Current collection rate %
2009/2010	187.0	97.9	99.6
2010/2011	193.8	97.3	99.4
2011/2012	193.0	97.9	99.5
2012/2013	195.5	98.2	99.4
2013/2014	203.7	98.1	98.9

7.3.4. The tax base reflects assumptions around the Council Tax Support Scheme. Since it was introduced the cost has been monitored and an allowance for risk was added. The risks included uncertainty over the economy, the potential for a major employer to leave the area (with no alternative employment available) and lack of experience of operating the new scheme.

7.3.5. For the third year of the Scheme it was appropriate to adjust the level of payments built into the tax base calculation. At December 2014 the tax base was amended to acknowledge the original payment forecast of £17.7m plus a 33% reduction in the risk factor to £0.9m (5%) to give a CTS position of £18.6m.

7.3.6. At the end of September 2015 the forecast level of payments for the current financial year is expected to be £15.4m. Therefore, a further £1m reduction in Council Tax Support payments has been factored into the 2016/17 taxbase to reflect this decreased trend in payments being made. This gives a budget of £17.6m being estimated payments of £15.7m and a risk factor of £1.9m (assuming no change to the scheme for this purpose).

Taxbase Year	CTS Payments £m	Risk Allowance £m	Resulting CTS Budget £m
2013/14	18.2	0.7	18.9
2014/15	17.7	1.4	19.1
2015/16	17.7	0.9	18.6
2016/17 (assuming no change to CTS scheme)	15.7	1.9	17.6

Table 1 Council Tax Support Budget since the introduction of the Scheme

7.4. Equality Implications

7.4.1. A full equality impact assessment is attached at **Appendix B**.

7.5. Rural Community Implications

7.5.1. None directly identified at this stage

7.6. Human Resources Implications

7.6.1. Minimal identified at this stage. The changes can all be incorporated within the existing software and will only require an update to officers on the changes. The changes will not result in any changes to staffing levels.

7.7. Public Health Implications

7.7.1. A full health impact assessment has been completed as the health and wellbeing of Council Tax Support recipients may be affected by reducing the lower disposable family income. This is attached at **Appendix C**.

7.8. Other Implications (Please Specify)

7.8.1. The Government has announced plans for an additional £12bn reduction in welfare costs. It is therefore envisaged that many working age people in receipt of Council Tax Support will also be affected by the wider welfare cuts.

8. Risk Management

8.1. The following are the key risks identified and actions to be taken:

Council Tax Support Scheme:	
Risks	Mitigating actions
Scheme is challenged	Effective consultation undertaken and considered to inform the decision making process
Non payment where contributions are increased	Publicity and awareness of the changes in advance Clear guidance produced on the scheme Prompt recovery action before debts increase
Negative publicity – targeting those with the lowest disposable income	Advice and support offered Instalments can be spread over 12 months
Reducing disposable income may mean some people are unable to afford to rent	Scheme is an incentive to start work or increase hours/pay
Increased caseload resulting in increased cost of the scheme	Monitoring of caseload trends and liaison over potential redundancies
Increasing pensioner caseload (become eligible for maximum support of 100%) again resulting in an increased cost to the scheme	Monitoring of caseload and reporting of increasing budget
Challenge that different groups are affected disproportionately	A full equality impact assessment completed Certain groups are already protected within Council Tax administration Discretionary powers available to reduce liability on a case by case basis
The resulting changes implemented by the Welfare	The Corporate Welfare Reform Working group will co-ordinate support to vulnerable claimants

Reform and Work Bill 2015-16 ⁶ will impact on income levels for those who are low paid or dependent on Benefits. This will reduce capacity to meet Council Tax liability and also, where income reduces Council Tax Support increases (means tested) reducing the identified savings in the scheme.	and expenditure will be monitored throughout the year against the budget. Those who are able to work will be supported and encouraged to do so.
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9. Access to Information/Bibliography

- 9.1. Links to all reports and information considered are included within the report and all are in the public domain.

10. Contact Information

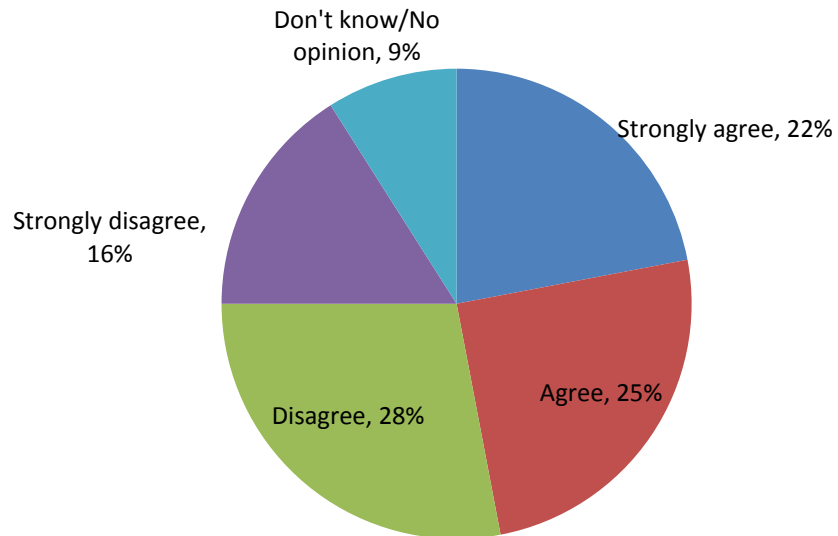
Contact details for this report are as follows:-

Name: Peter Bates
Designation: Chief Operating Officer
Tel. No.: 01270 686013
Email: peter.bates@cheshireeast.gov.uk

⁶ <http://services.parliament.uk/bills/2015-16/welfarereformandwork/documents.html>

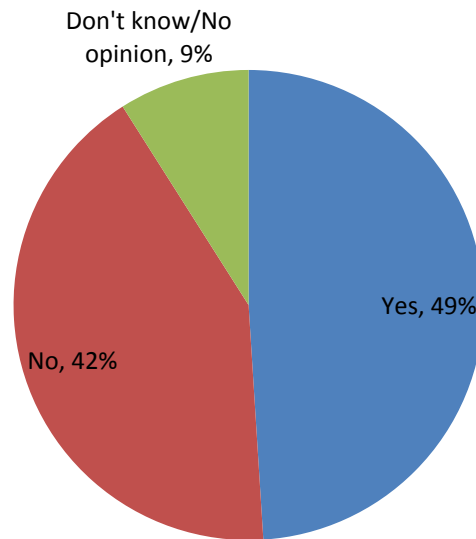
Appendix A – results of the consultation

1. Do you think that those who currently receive Council Tax Support and live in properties with a higher valuation band than B (bands C to H) should receive less support?



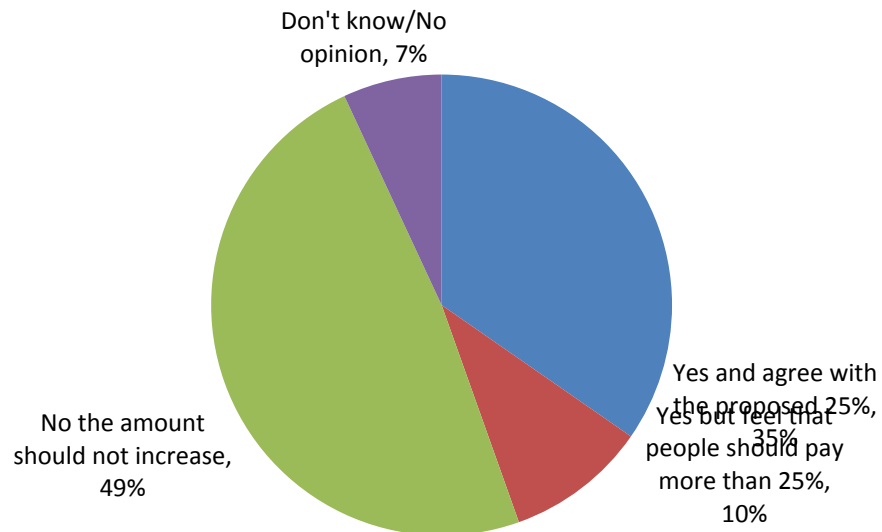
Value	Percent	Count
Strongly agree	22.4%	133
Agree	24.5%	146
Disagree	27.6%	164
Strongly disagree	16.3%	97
Don't know/No opinion	9.2%	55
Total		595

2. Do you agree that people with over £6,000 should no longer receive Council Tax Support?



Value	Percent	Count
Yes	48.7%	288
No	42.0%	248
Don't know/No opinion	9.3%	55
Total		591

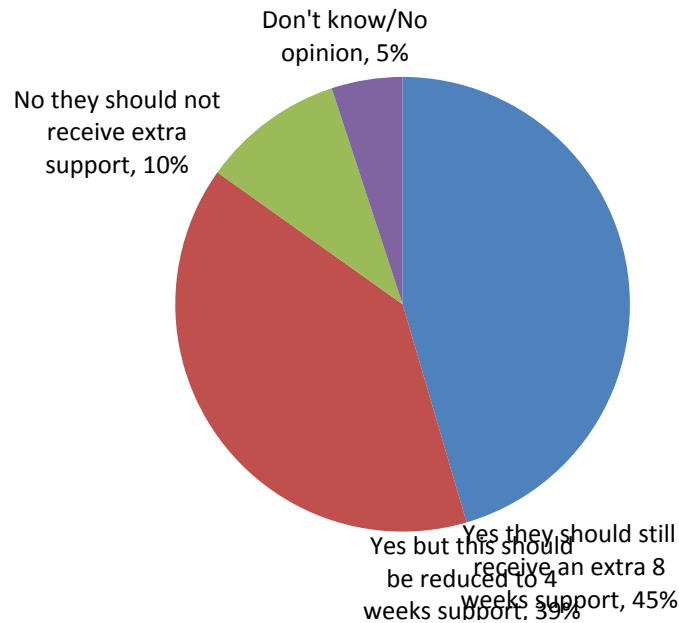
3. Do you think all residents of working age should make an increased contribution towards their Council Tax?



Value	Percent	Count
Yes and agree with the proposed 25%	34.6%	205
Yes but feel that people should pay more than 25%	10.0%	59
No the amount should not increase	48.6%	288
Don't know/No opinion	6.9%	41
Total		593

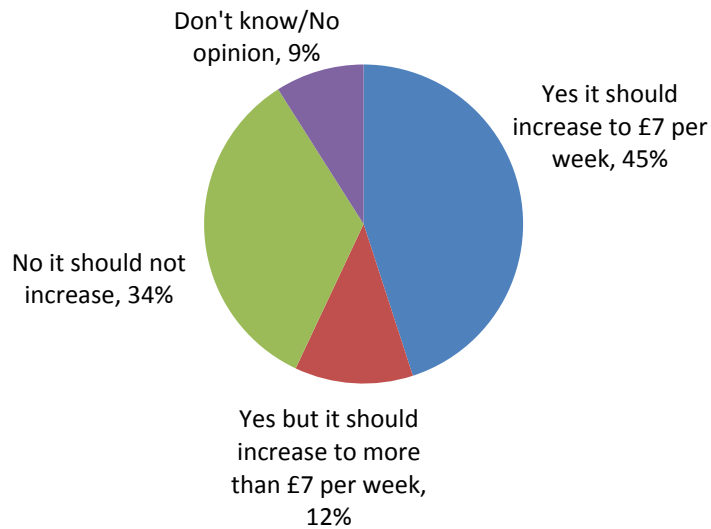
To help people transition into work, when people on benefits return to/start to work they may receive an extra 8 weeks Council Tax Support on top of their wages. The Council is asking your views on whether this should continue as an incentive or whether to reduce this to 4 weeks.

4. Do you feel working age people should continue to receive support to help them with their transition in to work?



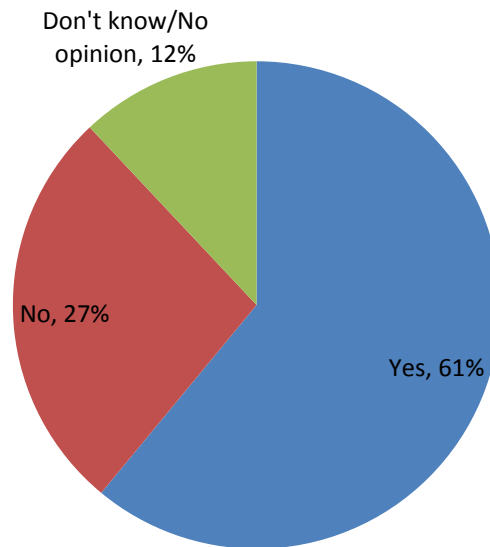
Value	Percent	Count
Yes they should still receive an extra 8 weeks support	45.0%	267
Yes but this should be reduced to 4 weeks support	39.3%	233
No they should not receive extra support	10.3%	61
Don't know/No opinion	5.4%	32
Total		593

5. Should the deduction for non-dependants living in the household be increased from £5 per week to £7 per week?



Value	Percent	Count
Yes it should increase to £7 per week	44.9%	266
Yes but it should increase to more than £7 per week	12.2%	72
No it should not increase	34.3%	203
Don't know/No opinion	8.6%	51
Total		592

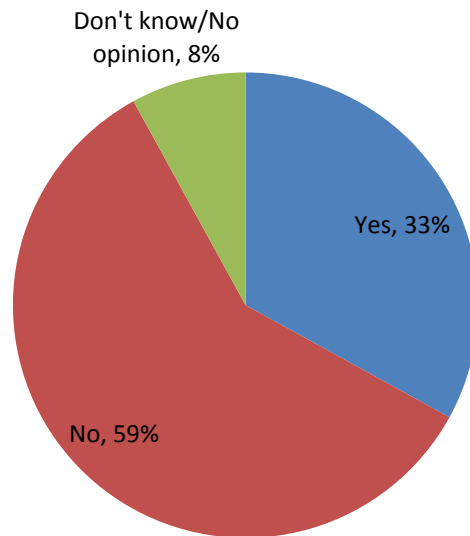
6. Do you agree that the Council should increase the minimum award of Council Tax
Support from £0.50 to £2 per week?



Value	Percent	Count
Yes	61.0%	361
No	27.4%	162
Don't know/No opinion	11.7%	69
Total		592

Currently Council Tax Support is usually awarded from the Monday after the claimant first contacts us about claiming. If a person has good reasons as to why they did not apply on time we can consider backdating their Council Tax Support for up to 13 weeks.

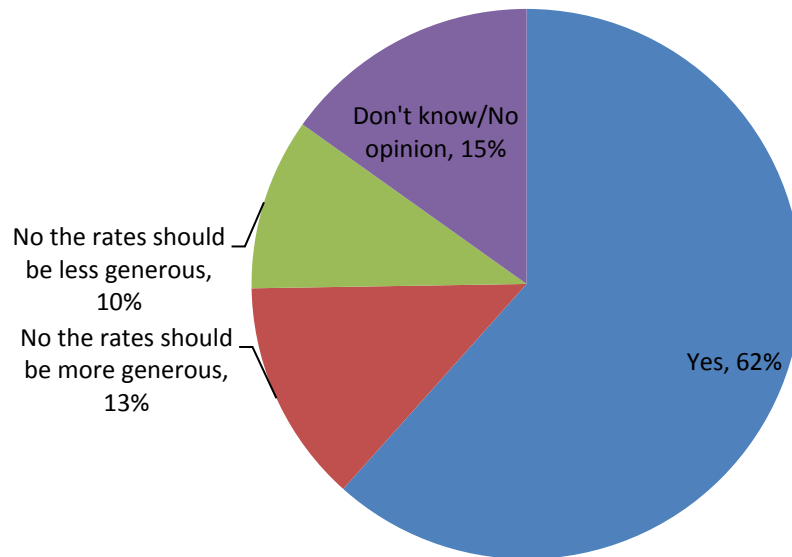
7. Do you think this extra help should stop?



Value	Percent	Count
Yes	33.2%	195
No	58.5%	344
Don't know/No opinion	8.3%	49
Total		588

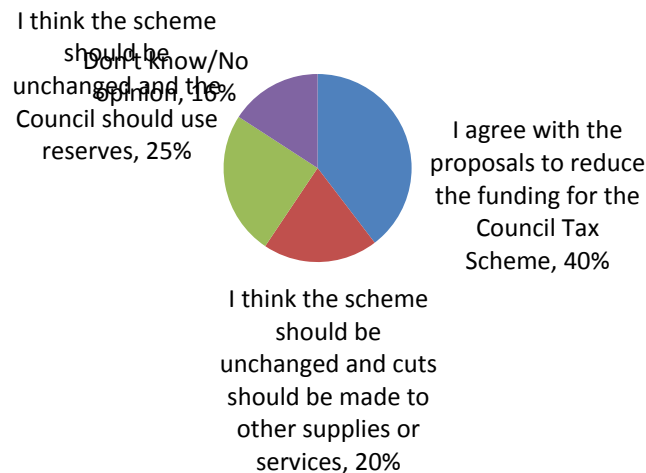
Currently the allowances used to calculate Council Tax Support have changed each year to match the same levels used to calculate Housing Benefit claims. More information on these can be found on the web site page telling you about the consultation.

8. Do you agree that this should continue?



Value	Percent	Count
Yes	61.4%	363
No the rates should be more generous	12.7%	75
No the rates should be less generous	10.5%	62
Don't know/No opinion	15.4%	91
Total		591

9. Please give your views on the funding available for the Council Tax Scheme for 2016-2017.



Value	Percent	Count
I agree with the proposals to reduce the funding for the Council Tax Scheme	39.7%	233
I think the scheme should be unchanged and cuts should be made to other supplies or services	20.1%	118
I think the scheme should be unchanged and the Council should use reserves	24.7%	145
Yes	0.0%	0
Don't know/No opinion	15.5%	91
Total		587

10. Have you any general comments that you wish to make about these changes or are there any other changes you would like us to consider?

Count	Response
1	A jump from 50p to £2 PER WEEK IS TOO BIG. Maybe from 50p to £1 is more palatable
1	Agree that cuts should be made but maybe not as drastic as proposed
1	Backdating should be reduced to 6 weeks
1	Being able to pay Council Tax for services you use most- that are mor relevant to you.
1	Cuts made are enough and should not cut Anymore welfare cuts
1	Do not understand the questions very easily.
1	Extended payment should be for 5 weeks to cater for monthly paid employees
1	Happy medium, fairer to all
1	Help low paid workers
1	I believe the backdating period should be reduced but not removed in total
1	If suffering hardship should be allowed to claim emergency assistance more than once a year.
1	Instead of stopping 13 week backdate reduce period
1	It would be helpful to have an office in Congleton
1	It would good it non dep deductions was one for each household
1	It's good that survey is being done in CS centre.
1	Likes the frank way consultation is presented
1	My Pension is still not paid in full because I didn't for for 2 weeks in 40 years.
6	No
1	Non dependant deductions should reduce
1	People should pay for all that the council offer.
1	People should pay for services they use or make a contribution
1	Reduce backdating period
1	The council should publish how much of our council tax goes into paying pensions.
1	The questions are too complicated for many people. They should be simplified.
1	They should lower the amount you have to pay
1	They should not change anything
1	Very complicated to understand. & long wines, lose interest half way through questions.
1	Whatever is best for Cheshire east residents
1	Why not increase the council tax for everyone. Rather than hitting the poorest
1	Working age contribution should only be increased by inflation rate
1	make sure 1 perent working families are not been penalised
1	maybe in certain circumstances - dead husband etc
1	raise council tax, why is this not presented as an option?
1	single parents should get extra support

- 1 such as stop letting immigrants in - think of all the money our country would save.
- 1 they should change
- 1 There should be an increase to council tax, a review of the bands and consideration to a new higher band for those who live in bigger properties and could afford to pay more. Funds should come from those that can afford to pay and not from those at the lowest end of the income scale. This is going to cause stress and worry to people and increase referrals to support services, which we struggle to fund.....its an endless cycle. I found out about the consultation from the Council Intranet, which is not listed below.
- 1 Many of these changes are affecting people in society who are already living below the poverty line. These changes will affect the most vulnerable people in our community whom can no longer cope financially now, never mind if these changes are introduced in 2015/16. It is preposterous to hit the vulnerable even more than they are now.
- 1 Comments on question 1) I live in a housing association house in the middle of goostrey and pay the same as those who have 5/6 bedroom private houses, mine is a 3 bedroom end terrace.
- 1 increase their hours and/or pay to reduce welfare dependency..... this is NOTHING a resident can do with their work, its the employer who decides this so residents cannot be panellized. I see this as another stealth increase in taxation on the poor/low income residents of Cheshire East. Cut benefits they receive, then make them give it back via these stealth actions....
- 1 People on benefits should get more help. People that have the money should pay more tax than people on benefit. It needs to stop, people on benefits can't afford it.
- 1 I feel that the non dependant deductions should be increased in accordance with the non dep's wages, similar to the HB scheme. I feel the minimum £2.00 per week rule is unfair - a person could miss out on assistance of £100 per year just because they don't qualify for £2.00 per week
- 1 I AM OF WORKING AGE BUT AM DISABLED, LIVE ALONE, HAVE THREE CARERS COMING IN EACH DAY AND HAVE NO CAPITAL. I PRESUME THE CHANGES WILL STILL APPLY TO ME, ALTHOUGH I CANNOT SEE A REFERENCE TO DISABLED PEOPLE OF WORKING AGE. I DO UNDERSTAND I HAVE TO PAY AND DO NOT HAVE A PROBLEM WITH THAT AS LONG AS THE SYSTEM IS FAIR.
- 1 I understand some people will need help but I also feel the majority are playing the system to get what they can and not work because they feel they can gain more from free benefits
- 1 In answer to question 9. There are some changes that I agree with and some that I don't. Council tax should increase by rate of CPI yearly and not be frozen.
- 1 Increasing council tax is only going to lead to vulnerable people who may not be able to work because of ill health or care leavers who have little in the way of financial support struggling to pay bills and may cause unnecessary stress and lead to further financial difficulties

- 1 I feel that there should be no backdating of any benefit Minimum award for all benefits should be £5.00 per week Nondependents in the household should have to pay £7.00 each regardless of their circumstances I think the Allowances should mirror Housing Benefit Allowances to keep the scheme fair I fee that there should be no capital allowance for working age or pensioners as any capital should be used towards paying your bills
- 1 For question 7 I think there should be backdating for good reasons I.e bereavement/urgent hospital admissions but this should be reduced from 13 weeks to around 4 weeks - there was no way of putting this in the question. I would also make two rates of deductions for non-dependants £7.50 for those with no income or an income of £250 a week or less and and another rate of £10 a week for income of more than £250 per week.
- 1 On question 9, I agree with some of the proposals but not all. I think the council should consider increasing council tax.
- 1 Access to this survey is obscure both in terms of wording & advertising same. There is no necessity for freezing council tax only Tory ideology, thus Q9 does not give all the options possible. I am of the opinion that you anticipate few submissions but will use limited replies to justify reducing help to the most vulnerable in Cheshire East.
- 1 Very disappointed that once again pensioners are protected and that cuts fall on those of working age. The young are suffering more because of the protections pensioners are given.
- 1 If cuts are made what is going to happen to large families that need larger house? There is not enough housing for large families and with the tax credit cuts this will plunge more families in to poverty.
- 1 Stop giving out bonuses to the top management and cut down the management at the top or and reduce the pay of the top management
- 1 Stop Eastern Europeans coming into the country and taking the jobs of people who were born in the country and they would have jobs to pay their taxes. Also If Cheshire East Hadn't Been Gambling with Taxpayers money in Sweden You wouldn't have to take such drastic measures.
- 1 I think the scheme should continue as previously but with extra help available for those in very difficult situations. I would be prepared to pay more for my Council Tax or for other services to support the most vulnerable residents. I don't think this consultation is presented in a neutral way; the phrasing of questions is leading.
- 1 Young people need support. Elderley people that have money and those in work should pay the Council Tax, those on benefits should not pay a penny
- 1 Stop funding too many services that (on paper at least) all do the same as each other. Some people accidentally find themselves out of work, or find they have to quit due to disability or to care for someone. You cant then tell them to move to a lesser council tax banding or expect them to pay 25%. This proposal is ludicrous and elitist. You are not living n the real world. Go and volunteer at the citizens advice for a few weeks to see the impact

the current benefit changes are having. There would be no way that you would then ever suggest more cuts. (A Citizens Advice Worker)

1 I think there should be slightly more time allowed to landlords between lets to encourage them to take tenants from the housing team .

1 Whilst we welcome any efforts made to incentivize people into employment, it is difficult to reconcile a reduction in Council Tax Support given that the people who will be most effected by this will, by definition, be the financially vulnerable. Since the abolition of full Council Tax Benefit for anyone receiving a qualifying welfare benefit, the most frequent debt issue we are dealing with is no-longer personal loans and credit cards, instead it is now Council Tax arrears. More recent evidence indicates the negative impact of Council Tax Support on the most vulnerable people:- Too Poor To Pay: The impact of the second year of localised council tax support in London' Ashton, Frances and Jarvie point out, 'It must always be remembered that, for the vast majority of claimants, in order to meet the minimum payment the money must come out of a benefit income already insufficient for the basics of life. This is illustrated by the fact that out-of-work benefits still only provide 39 per cent of what single, working-age people need to reach a minimum income standard.' (p13). They cite evidence that people are borrowing money in order to pay their council tax with the result that many are becoming trapped in a cycle of debt. They go on to suggest that there is a link '...between increasing the level of the minimum payment and claimants' ability to pay.' (p14). It is not accepted that the proposed changes will not impact on those on low incomes, we feel there is a major equality issue with very real disadvantage to those already disadvantaged. Reduction of award from 80% based on Band D to 75% based on Band B = major loss of support to those on benefit. This is likely to push more families into debt which will increase poor health (healthy diet is expensive), restrict educational chances etc. On the practical level, we would question whether the 'savings' which are used to justify the changes are real. According to Cheshire East Councils own figures there are already 13,500 accounts with liability orders, surely the more residents that are unable to pay the increase the more accounts will fall into default?

1 I work in Cheshire East as a Macmillan Benefits Adviser, helping people who have been diagnosed with cancer. These are often working people who need to take time off work during cancer treatment. Often their income reduces dramatically at a time when they need to spend more on heating/special diet/hospital travel. Council tax arrears are an increasing problem for my clients, any further cuts to the scheme would increase financial hardship to this vulnerable group of people.

1 I think it is unfair that non dependants have to make up the shortfall in council tax/rent , this system needs looking at to make it fairer

1 I think the Council should chase the people claiming Sole occupancy when there are 3 or 4 people living at the house. There are loads of Fraudulent claims for 25% off.

1 People who are on benifets should not get less support award people more who work a lot

and actually support there children and family's by going too work

1 You shouldn't change will because people only living then hand to mouth. If peopl with money fel it hard to live what do you think if like pople with out much money

1 In my experience the scroungers still have enough money for cigarettes and alcohol, so I think they should pay the full amount and learn to budget their resources better like the low paid employed have to do.

1 I think people should have to show that they are not wasting money before they can claim benefits I think it is totally unfair to make people unfit for work to pay council tax. They cant work, so they cant pay.

1 Cuts shouldn't be made to Welfare. Money should be generated through Corporation Tax - This is also my answer to Question 9. I think the questions are too pointed. A family who live in a Band C property should not be penalised just because they have more than one or two children. We are not living in China, so people should not be reduced to 1-children families or even 2. Are we heading for the Victorian Age?? Where people are forced to live in cramped conditions or are made homeless?? I require further clarification on question 6. Does this mean that people currently receiving £0.50 a week would no longer be eligible under proposed changes?

1 Question 1: I think the banding limit should be based on the number of people living in the property upto a maximum of say band D. It is quite reasonable to expect a single person or a couple to live in a band B property, but a family of 5 or 6 would need a band C or D property as they generally have at least 3 bedrooms. Question 2: I think that this policy disincentives saving. A claimant should be allowed an amount of savings per year of work that is disregarded. For example, there could be 2 people earning the same income, but 1 saves £100 per month and the other spends every last penny. If they both lose their job, the saver who has probably done without to build up their savings is penalised. Also in this scenario, age makes a difference, £6000 is a lot of savings for someone who is 20, but not someone who is 60+, nearing retirement.

1 more support should be given to young families where one partner works and the other stays at home to care for young children as nursery fees are to expensive and some feel they are better of on full benefits than working because they do not receive the support they need

1 working people on a average income get less over the year than alot of the benefit claimants and still have to pay their full council tax. Working people pay tax on their income also. So asking a single mum who recieves £160 per week tax free who gets all her rent paid should pay the same as someone earning 20k (around £300 a week after tax) who has to pay all their rent, all the council tax, pay child care etc.

1 I think it is a real shame that when the council are looking in securing more funding, that they look to the most vulnerable and less well off in our society. We're meant to support these people not put them under more pressure.

- 1 after a very modest pay / tax credit increase, coupled with slight reduction in income tax, i don't understand the logic in CE subtracting 90%+ of these awards, in order to reduce council tax support, is this fair / logical? great incentive to work harder with these massive effective tax rates.
- 1 I am a single parent and it can be hard to make a living, I've worked all my life and feel when I need help it's not always there
- 1 I am concerned because I live alone without any support from anybody (no family/friends). Due to ongoing physical and mental health problems, I cannot work yet. Every day I seem to be cutting and cutting my expenditure to the point that I do not put my heating on, clothes are from charity shops, I drink prescription nutritional drinks - ensure and am still losing weight. I cannot afford to eat properly, and now that carrier bags are going to be chargeable my budget will have to be reviewed yet again. It may seem insignificant to many people, but increases such as a charge for bags greatly affects my very very small benefit amount. I cannot afford a car and after a hip replacement I struggle. Any reduction in support will further add to my anxiety, depression and poverty. I already live in the cheapest one bedroom flat that I could find that is owned by Coppinger Boston. I have to tolerate damp, woodlice, no insulation, minimal maintenance, electrical issues etc etc etc, and the rent is £400 a month - higher than the council suggests I should be paying. Without discretionary assistance I would be in a further state of despair. As a 48 year old single and vulnerable female who has not ever had children, my resources are very, very limited. I do the very best that I can when other working age people seem to just have more and more kids to receive more and more benefits. Perhaps any changes should be made on a case by case basis if at all possible.
- 1 It Appears to me that as the council tax support scheme is a local scheme which means the council should be making the 20% that people of working age are currently having to pay, up out of its own funds. So that people on welfare benefits actually receive the amount of money that the law says that they need to live . It appears to me that the Cheshire East Council Tax Charges aimed at those currently on welfare Benefits is actually unlawful and that it wouldn't be unreasonable for the council to be forced to pay the money back.This would also apply to the present banding arrangements. D to H
- 1 If all changes are made I would ask that the vulnerable with good reason and good cause could still apply for backdating and reduced non dep deduction and the lower entitlement tariff of 20% this is because from such a low income as JSA the additional payments would cause more severe hardship and this could in turn burden the Prevention fund the DHP and the Emergency assistance scheme as the clients would have less to pay other bills such as the priority rent charges and mortgages. Regarding the reduced 8 weeks to 4 weeks for the employed I feel regard would have to be made for those whom have to work 2 months in advance of payment of salary if verified they could apply for the further 4 weeks.
- 1 For the wealthiest in Cheshire East Council Tax increase = 0% For the poorest = 5% And

exactly which residents is it that you're putting 1st?!

1 After moving from an area of weekly rubbish collection I find it not acceptable that the black bins are collected two weekly.

1 Re: restriction on valuation band - Does it really matter nobody should be homeless whether they have a bigger house - jealousy if you ask me. RE: capital savings - why take money saved for family emergency? RE: increased contribution towards council tax - Feel that people should all pay the same.

1 Rather than remove backdating completely why is there no proposal to reduce the period from 13 weeks to say 6 weeks? Disabled and those unfit to work have suffered enough under recent benefit cuts and I think it is completely unfair to expect them to pay 25% of their Council Tax. These claimants should be protected and a contribution of 20% is more than they can already afford.

1 I do wonder about the Council's paper wastage/output/cost as every time a change occurs the claimant receives sheets of paper detailing all the changes. From end of July to about the end of August, due to changes taking place, I received 5 "change of benefit entitlement" from you. Once I had spoken to someone regarding my last Notification and gave proof of daughter's and my income I received another notification letter - of 40 pages (but printed double sided)! Would it not be possible to summarise any changes? Also how long should claimants keep the Notifications?

1 Asking the most financially vulnerable in our society to make further contributions is unfair and will increase overall deprivation although I work and do not claim any benefits I have empathy for those who find themselves in the position of requiring assistance .

1 I feel that everyone should make a contribution and pay some Council Tax, no matter how small the amount.

1 Council Tax Support is really important to people on a low income, including those of working age who are on a low income. The 20% increase has been a real strain on a huge number of people, and further reductions in support are likely to exacerbate this problem and increase the council's costs in collection costs. By excluding people in band D you will be preventing families living in larger social housing properties from receiving this support and those on a low income or in receipt of benefits are unlikely to be able to pay the full charge, further increasing the bad debt for the council and pushing people into debt. I also think that you should consider an allpay system for paying council tax as this would assist people who pay weekly.

1 The shortfall could easily be made up from the bonuses given to the already highly paid council staff. Some members are on an obscene income considering it is public money. Stop taxing the poorer members of society in order to give more money to those who don't need it.

1 Increasing the percentage from 20% to 25% for working age Benefit claimants would be devastating for people who cannot afford the current 20%. For the same reasons non

dependent reductions should remain at £5.

1 I do not agree that residents who would have previously been eligible for full council tax support should be made to pay anything towards their council tax, as they struggle to manage on those incomes anyway and these measures cause more poverty.

1 I would like to see more efforts made by the council to visit vulnerable people in rural areas who are unable to pay towards their council tax rather than facing them with court and bailiffs. Before bailiffs are involved an assessment should be made as to whether the person is vulnerable - eg if they have mental health problems or learning difficulties the bailiffs should never be involved.

1 Reallly against increasing non dependent deductions..they are often adult children who are not in work or in very low paid work and these deductions already have a bad impact in family finances. Also really against the proposed £2 minimum payment, for those on a low income , missing out on such a payment could make a huge difference. If feel that the savings you think you will make will be grossly offset by the increase in council tax arrears and could put a large number of vulnerable cheshire east residents into debt, cause stress, increase child poverty all of which in the long term are not good for them or for our county.

1 People with more money should pay more council tax and people with health conditions get full benefits a better band and more help.

1 Full help should be available to people who have recently worked when they need it should they lose their job or someone dies. But shouldn't be the max for long. Others should get a job.

1 Why can't the Council Tax be raised so that all residents bear the brunt of cutbacks - not just those who have a low income?

1 You have failed to give an option to raise Council Tax to fund any changes. I for one have a social conscience and feel that it is my duty to support those in need, as should the leadership of Cheshire East Council. It is not your role to put political ideology above the needs of your poorest constituents.

1 i dont believe in taking funds away from other services just so lazy people can sit on their backsides and not go out to work. by taking funds away from other services all you are dooing is penalising those who need those services by helping the helping the lazy residents who cant be bothered to get a job. a tougher stance needs to be taken, people out of work can get a part time job to help pay towards the increases proposed and for it not to be taken away from other services. these people need to learn we cannot keep handing out money. they have to learn they need to support themselves and until such time, spoon feeding them and taking this view they will continue to sponge off the system

1 yes reduce the top earners wages at the council and stop giving bonuses to those at the top of management at the council. Also keep the 25% single person discount as there are people who live on their own and not on a big wage and that is their only income.

1 While some reduction in support might be justified, a blanket change would hit the

deserving vulnerable disproportionately hard. If we could be more selctive so as to provide more help to the vulnerable, less help for the majority might be justified.

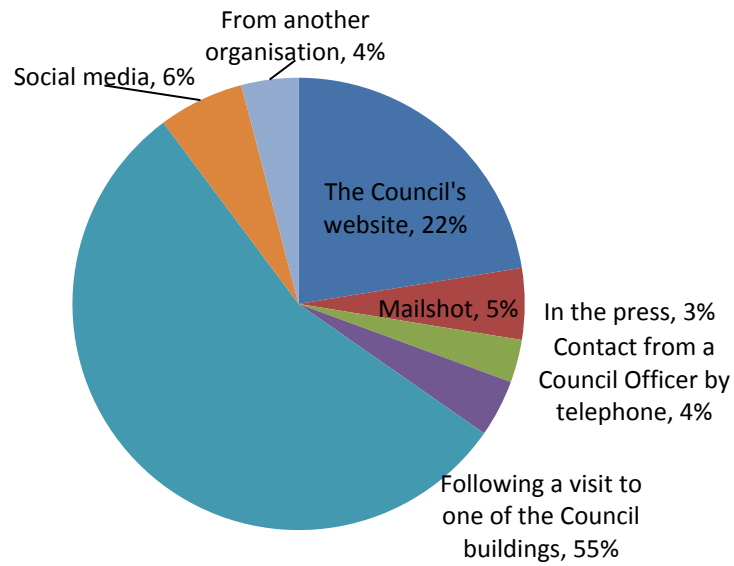
1 Consideration should be given to increasing Council Tax, reducing the support to vulnerable residents when Council Tax has not increased since 2009 doesn't seem fair. A consultation on Council Tax would be welcomed as it feels as though Council services are being reduced when the community of Cheshire East would be prepared to pay more rather than see a reduction in services.

1 I don't no how people can have savings am just getting by with working single mum childcare I think my rent is very hi and gose up each year worries me I work so hard and what for nothing

1 put the council tax up by 2%. Like last year's police budget. The cut as are only making things worse for everybody!

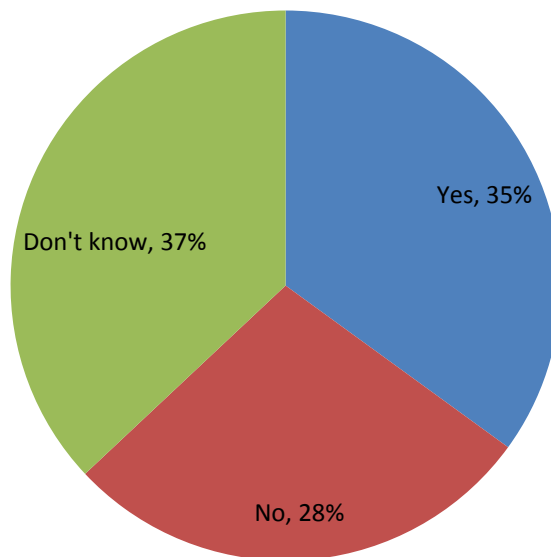
1 i think that council should at least try to put it to central govenement that some pensioners are very rich and mosst are richer than those on jsa or esa so they too should contribute to some extent

11. Please confirm how you found out about the Council Tax Support consultation.



Value	Percent	Count
The Council's website	22.2%	130
Mailshot	5.3%	31
In the press	3.3%	19
Contact from a Council Officer by telephone	4.4%	26
Following a visit to one of the Council buildings	54.2%	317
Social media	6.2%	36
From another organisation	4.4%	26
Total		585

12. To help us complete our Equality Impact Assessment, do you think there are any groups of people in the community who would be affected more than others if all of these changes were adopted for the new Council Tax Support Scheme.



Value	Percent	Count
Yes	34.9%	199
No	28.0%	160
Don't know	37.1%	212
Total		571

If yes, please provide details of who and why you think they would be more affected::Who/which groups:

Count	Response
1	benefit claimants
1	1parent working families
1	21-30 young families
1	60 - 70
1	Age 60 to 65
1	Care leavers
9	Disabled
1	Disabled and mentally ill
1	Disabled and old
1	Disabled and on low income
1	Disabled and those who are too sick to work.
1	Disabled working age and financially deprived people
1	Disabled, those too ill to work
2	Don't know

1	ESA/disabled (mentally & physically)
2	Elderly
1	Elderly and one parent families
1	Elderly. Unemployed
1	Extremely vulnerable
2	Families
1	Families are catered for and OAPs are not
1	Families with children
1	Families with working age children
1	Homeless groups
1	Lone parents who work
1	Low income families
1	Low income workers
1	Low income, working or vulnerable families
3	Low income/poorer people
1	Me
1	Mental Health
1	Mental health residents
1	Mental health- vulnerable
1	Mentally impaired and vulnerable people
1	Middle aged made redundant, approaching pension age
1	Most vulnerable
1	One parent families
4	Pensioners
1	People living on a low income, people with disabilities, parents of larger families
1	People of working age who are in receipt of ESA (support group) and DLA
2	People on Benefit
1	People on lowest income, who the the help the most
1	People on the lowest benefit rates eg basic JSA if they have been moved from ESA
1	People who don't want to work
1	People who have mental health issues
1	People who work low hours and pay more
1	People with health problems
1	Poorer families
1	Poorer people would be badly affected
1	Right across the board

1	School Leavers
1	Scroungers
1	Sick and disabled people and unemployed people
1	Sick/disabled
1	Sick/disabled, people on very low incomes.
1	Singl persons
1	Single mothers, old people, unemployed people
1	Single mums
2	Single parents
1	Single parents and disabled
1	Single people and families
1	Single worrking parent
1	Single,young people
1	Tax Support
1	The mentally and physically disabled
1	The people on sickness benefit
1	The weak and most vulnerable in society
1	There will always be someone affected
1	Those on Welfare benefits of working age
1	Those on benefit only income
1	Those who are getting back to work
1	Those who need help the most
1	Those who work less than 16 hours per week
1	Those with mental health issues
7	Unemployed
1	Unemployed and disabled
1	Unemployed and single parents
1	Unemployed and vulnerable
1	Unwaged
3	Vulnerable
1	Vulnerable adults that can't work
1	Vulnerable groups: and new employees
1	Vulnerable/disabled
1	WORKING AGE DISABLED
1	With over 18's at home
1	Working
5	Working age
1	Working age people on a low income
1	Working customers

1 Young
1 Young couples starting out
1 Young families
1 Young mothers/Single parents
1 Young single mothers, young parents, dissadvantaged
5 disabled
2 disabled groups and unfit to work
1 disabled, single households
1 english will be more affected
1 families, medical conditions
1 large single families
1 larger families
1 low earners that have a child that lives at home and have
become a non dependant
1 low income families
1 low income, working people
1 mainly, working strivers with children
1 non English
1 pensioners
1 people beyond retirement age who would like to work part time
1 people not working & claiming benefits
1 people on benefits / low income
1 people on low incomes
1 people with more money
1 physically/mentally disabled
1 poor/low income
1 retired
1 single childless females
1 single parents
1 single parents, Universal credit claimants, self employed
1 single parents, vulnerable people and women
1 single people of working age
1 some pensioners/elderly. True disable. Ex Service personnel
1 the elderly
1 the lazy
1 the less digitally literate and those generally less aware
1 the sick, the disabled, all others facing barriers into work
1 the unfortunate unemployed with larger houses
1 the vulnerable, disabled, mentally impaired, people who have

- fallen on hard times!
- 1 those in wrongly banded houses
- 1 those who struggle on a medium wage
- 1 unemployed
- 2 vulnerability
- 1 vunerable long term sick
- 1 worker people
- 1 working age
- 1 working age on part time hours
- 1 working age people with disabilities
- 1 Those unable to work through Chronic and or long term ill health
and or a disability and have been deemed to be unfit for work
- 1 peolple with mental health issues and those who are pressured
incessantly to get ANY work irrsperspective of their previous
employment history
- 1 People on zero hours contracts, those who have been newly
made redundant, carers and the cared for
- 1 Those that have worked all of their life and then find themselves
out of work, and not the lifelong people who have been able to
claim for years
- 1 People with care and support needs, and those who are
vulnerable and at risk of developing care and support needs.

If yes, please provide details of who and why you think they would be more affected::Why:

Count	Response
1	They struggle enough
1	20% is a lot to pay for these groups and affects the quality of their lives
1	Already have low income
1	Because of the difficulty they have using getting the benefit system to work for them.
1	Because they can't get a job.
1	Because they are disabled
1	Because they do not have the option to improve their circumstances/quality of life and get a job.
1	Because they have difficulty managing their affairs.
1	Because they have less money than others
1	Because they struggle to sort it all out by themselves as it is.
1	Big chunk of JSA
1	Can't afford rent and Bills if on minimum wage
1	Can't get a job after leaving school
1	Dealing with paperwork and hospital admittance
1	Disposable income would drop and less to spend on food and utility bills
1	Disproportionate share of the burden of cuts falling on them.
1	Doesn't hit pensioners
1	Don't get enough
1	Even if working cannot absorb these changes.
1	Fixed incomes
1	Has been in this situation , it is helpful at the moment
1	Have you ever experienced life at the bottom?
1	Health not as good, many have to leave full time employment due to ill health
1	Higher costs less help will struggle
1	It's hard enough trying to manage bills on very little money at such a young age
1	Less cuts would impact on them
1	Limited income
5	Low income
2	Low income earners

- 1 Money coming in compared to money going out
- 1 More vulnerable and not in all cases choice to be
- 1 More vulnerable generally
- 1 No help
- 1 No money
- 1 No more cuts to welfare benefits
- 1 No prospect of work
- 1 No support, lack of information
- 1 Not enough houses or ea to accommodate
- 1 Not everybody is so keen to apply for benefits
- 1 Not get as much
- 1 Often cannot understand bill/deal with finances and are likely to fall into debt.
- 1 Old
- 1 On low income
- 1 Pensions
- 1 People out of work
- 1 Reduced help
- 1 Reduction in child tax credit
- 1 Social reasons
- 2 Struggle financially
- 1 THEY ARE NOT ABLE TO WORK
- 1 That is what austerity measures are all about - punishing the weak.
- 1 The less help they receive the more likely they are to seek work
- 1 Their disposable income will decrease
- 1 There incomes are reducing so will find it hard to meet any extra expenditure.
- 1 These people need all the support they can get, not charged more
- 1 They are all rich and get loads of money
- 1 They are suffering enough
- 1 They are unable to work
- 1 They are unable to work and are unable to increase their income.
- 1 They are unaffected - age discrimination
- 1 They are vulnerable and have no choices.
- 1 They do not have the money to afford it.
- 1 They don't have a lot of money
- 1 They reasonably need a bigger property than a single person.

1 They seems to be the easiest targets.
1 Those who can't work need help
1 To accomodate employment law changes, low minimum wage
and economic crisis
1 Unable to manage their finances.
1 Will have to pay more under the proposals
1 already have a low wage.
1 as they would come under the working age rules
1 because people sometimes find some systems hard to deal with
or aren't keen to engage
1 because they will have to start paying for themselves for a
change !
1 because too many immigrants
1 becuase it would be much harder for them
1 can not manage their affairs.
1 can't work cos of kids
1 children are our future
1 cost of living is high and wages/benefit do not cover living
expenses
1 cutting help to a band b so unfair to those who have previously
been more prosperous
1 decrease in benefits & help
1 due to benefit cuts already in place
1 extremely limited resources
1 fixed income
1 have to pay more from no extra income
1 lack of jobs, minum wage, rising living costs
1 lack of larger housing with lower rents.
1 living on minimum income already
2 low income
1 more likely to have a more expensive home
1 need the help more, will be most affected, least likely to
undersand the system
1 need to pay more
1 non-dep deductions crippling
1 restricting them more than others
1 struggle with money as it is on benefits
1 surviving only on benefits
1 the amount of benefit lost is ridiculas

- 1 they are always the first to be made to contribute
- 1 they are living in poverty
- 1 they are old
- 1 they are unaffected
- 1 they can't afford it.
- 1 they cannot cope anymore
- 1 they fall between the gaps and would lose the small amount to help with an essential debt
- 1 they get more money
- 1 they will be unaffected which isn't fair
- 1 they will have even less money to spend
- 1 they would be put under additional stress as not able to work or increase hours if they do work.
- 1 unable to get out and work just an increase in bills with no choices if unable to work
- 1 because some methods of getting people to work tantamount to bullying & if they have mental health issues they can deteriorate as a result
- 1 proposed restrictions to child related benefits, lags in payment of UC especially initial wait, erratic income which can be very low at start up
- 1 An decrease in CT support will affect those on a low income, including those who have disabilities and receive benefits. Parents of larger families could be excluded from CT support entirely and face a bill that they cannot meet or moving into overcrowded conditions.
- 1 Removal of 13 week backdated of claim; reducing the number of weeks support is offered when they get a job; increasing the contribution of 25% and reducing the savings disregard to £6,000. Older people are already protected.
- 1 Less income. Some may not be able to work due to honest disabilities but that is at Council discretion and Ex service personnel would find it a complete change
- 1 please see earlier comments. If all changes are made I would ask that the vulnerable with good reason and good cause could still apply for backdating and reduced non dep deduction and the lower entitlement tariff of 20% this is because from such a low income as JSA the additional payments would cause more severe hardship and this could in turn burden the Prevention

fund the DHP and the Emergency assistance scheme as the clients would have less to pay other bills such as the priority rent charges and mortgages. Regarding the reduced 8 weeks to 4 weeks for the employed I feel regard would have to be made for those whom have to work 2 months in advance of payment of salary if verified they could apply for the further 4 weeks.

1 Thy cannot cope with dealing with daily tasks and are generally on benefits and struggle to cope financially.

1 People with mental health issues are discriminated against when applying for discount on their council tax; due to the discount form containing wording MENTAL IMPAIRMENT – this wording isn't correct. People with mental health issues are not mental impaired, they are ill. A Learning Disability may leave someone Mentally Impaired; however, someone with a mental health issue, other than some side effects of sedation, from necessary medication, isn't mentally impaired. I therefore suggest the form be amended, therefore allowing, if required people with mental health issues the same rights in applying for discount to their council tax, as someone with a physical illness.

1 they cant work, so they cant pay. Disabled payments are reducing and this makes their situation even worse.

1 hard to survive, food clothes, transport. We already get taxed on items, VAT, plus Tax payments. Where does it all go?

1 They will be asked to contribute more from what is already meant to be just enough to cover their immediate needs.

1 Because people who have paid into the system for years should be given a buffer of 10 weeks or so they don't know the benefit system or how to claim so finding these things out will take time, and no doubt they want to work again - why make life so much more difficult for them at a time when they need to understand the system they have paid into for years and are probably claiminf for the very first time!

1 Because there has been no transitional addition to restore the benefits to the amount the law says that they need to live on
1 they have already faced cuts to income imposed because of Welfare reform and are in increased debt because of these changes

1 As they are on limited benefits and are unable to work due to their disabilities. Also a couple of years ago I found it difficult to

go from paying no Council tax to then suddenly having to pay 20%

1 they are already paying too much and you want to reduce support. Full support should be given to those who qualify upto band E not reduced to band B. Many families and low income workers are already in Band C and are already not managing, you will drive them out of work and completely onto benefits if they cant afford to live on what they have and if its more financially beneficial not to work

1 Changes don't apply to pensioners who may be better off than their working age counterparts but still get more help with their council tax

1 cuts to 'encourage' into more hours may lead people to be better of not working it extra hours are not available or they are unable to do so for other reasons. Just cutting peoples benenefits is not the way to support people into work.

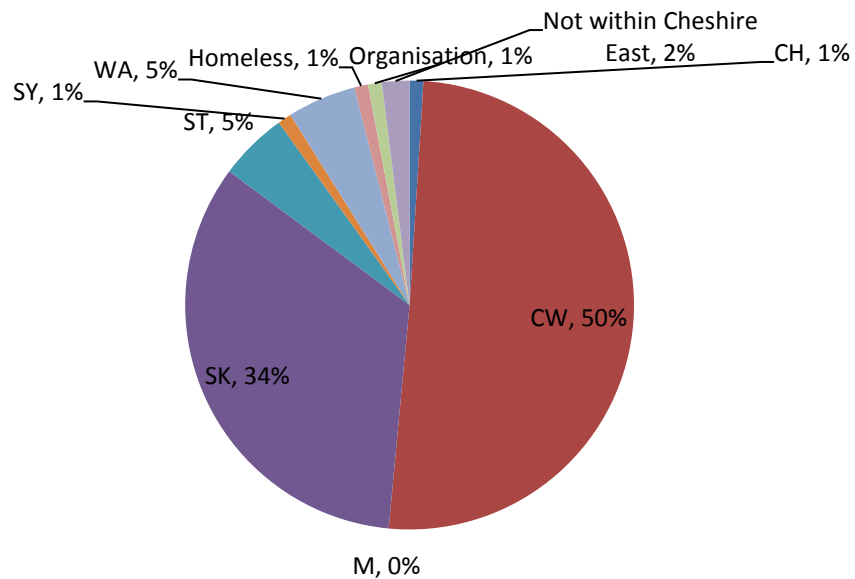
1 Most people from this group do not have enough money to live on and to expect them to pay towards the council tax is bad enough, but to consider increasing the amount they would have to contribute is not acceptable.

1 They would pay more contribution to Council Tax. Trafford Council did not levy ANY charge at all. Take what you need from the Elite Rich and let poor sick people try to survive.

13. If you are completing this on behalf of a group, organisation or other body, please state the name and address in the box below.

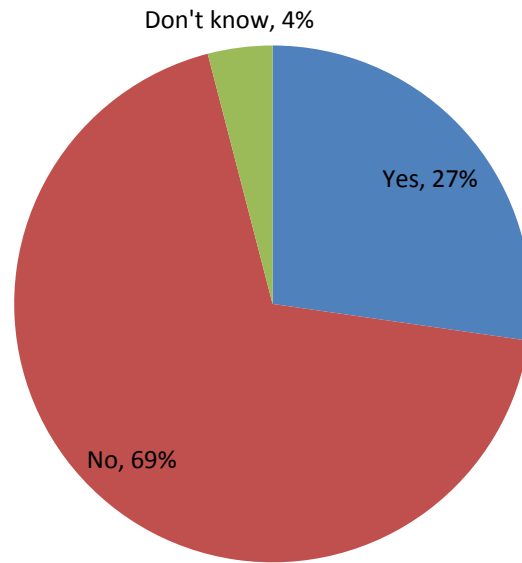
Count	Response
1	ARCH Domestic Abuse Services
1	Arch - Cheshire East Floating Support
1	Cheshire East CAB North Sunderland House Sunderland St Macclesfield SK11 6JF
1	Great Places Housing Group
1	NO but I am a CAB volanteer
1	Odd Rode Elderley Disabled Residents Group
1	Tenancy Support Team, Peaks & Plains Housing Trust

14. Please state the area in which you live by selecting the first part of your postcode in the following dropdown



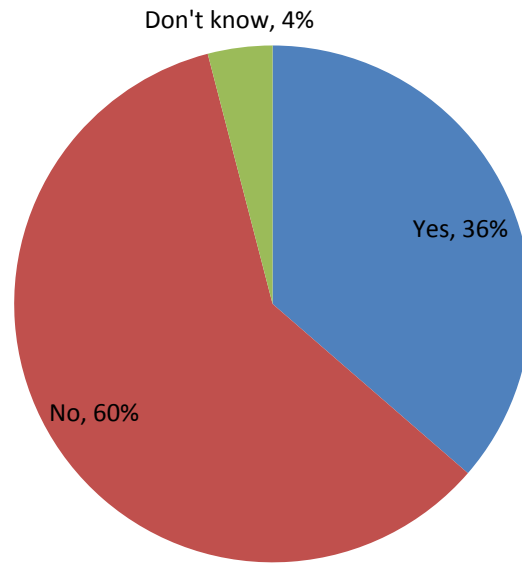
Value	Percent	Count
Yes (please enter the first half of your postcode e.g. CW1, SK1)	0.0%	0
CH	0.6%	3
Yes	0.0%	0
CW	50.6%	252
M	0.2%	1
SK	33.9%	169
ST	5.4%	27
SY	0.6%	3
WA	4.6%	23
Homeless	1.0%	5
Organisation	0.6%	3
Not within Cheshire East	2.4%	12
Total		498

15. Does anyone in your household receive Council Tax Support?



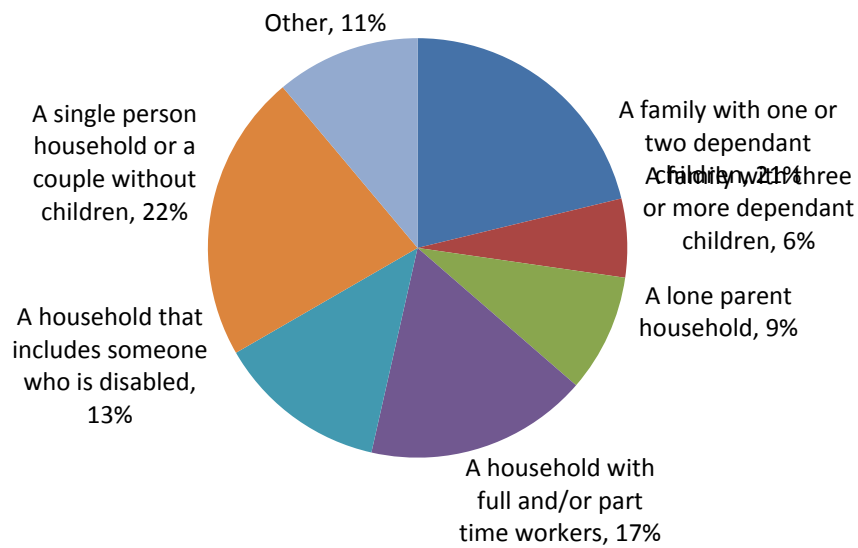
Value	Percent	Count
Yes	27.5%	151
No	68.4%	376
Don't know	4.2%	23
Total		550

16. Do you or anyone in your household receive any other benefits?



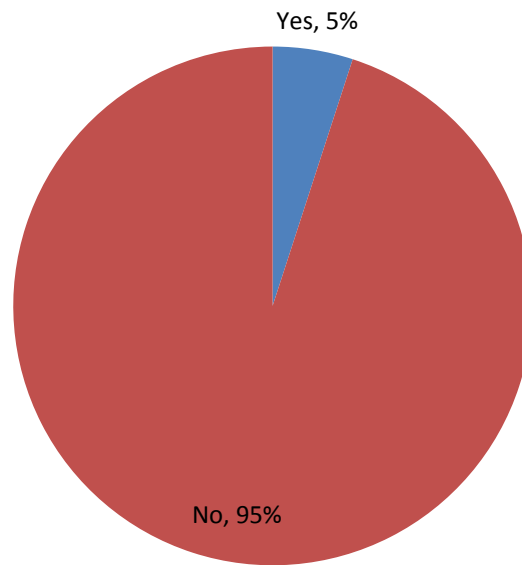
Value	Percent	Count
Yes	36.3%	200
No	59.4%	327
Don't know	4.4%	24
Total		551

17. Which of the following best describes your household?



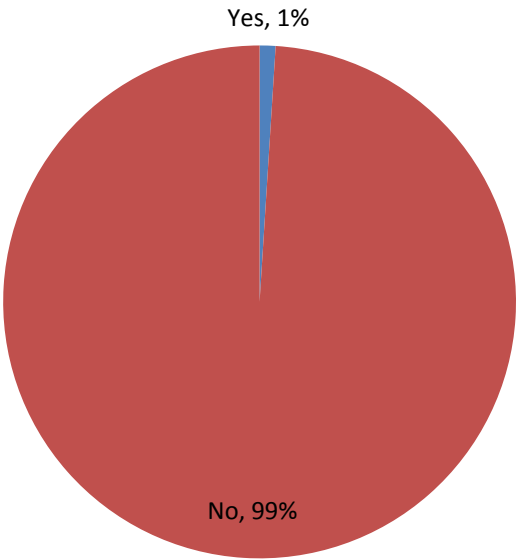
Value	Percent	Count
A family with one or two dependant children	21.2%	117
A family with three or more dependant children	6.2%	34
A lone parent household	9.3%	51
A household with full and/or part time workers	17.4%	96
A household that includes someone who is disabled	12.5%	69
A single person household or a couple without children	22.1%	122
Other	11.3%	62
Total		551

18. Are you a service personnel or ex service personnel?



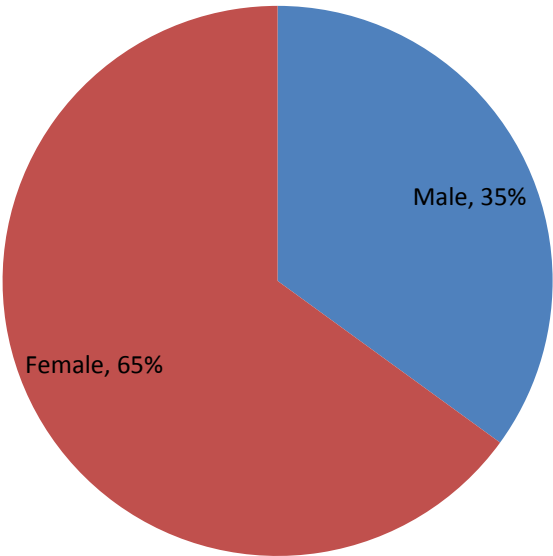
Value	Percent	Count
Yes	5.5%	30
No	94.5%	517
Total		547

19. Are you a War Widow/Widower or do you receive a War Disablement pension?



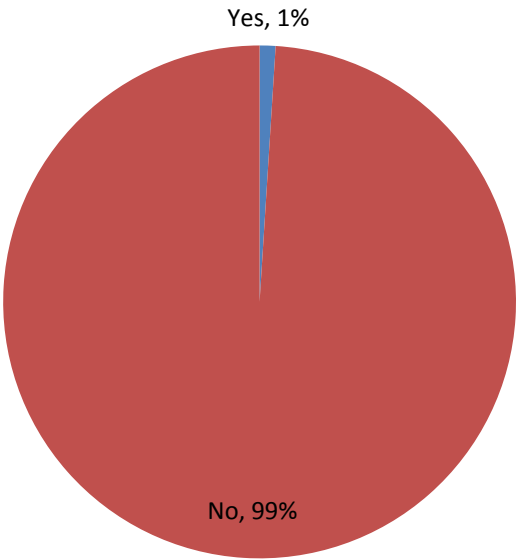
Value	Percent	Count
Yes	1.5%	8
No	98.5%	534
Total		542

20. What is your gender?



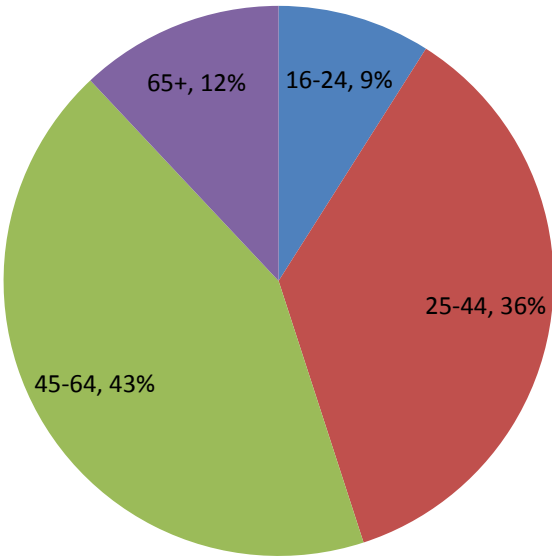
Value	Percent	Count
Male	35.4%	183
Female	64.6%	334
Total		517

21. Are you undergoing/have you undergone gender reassignment?



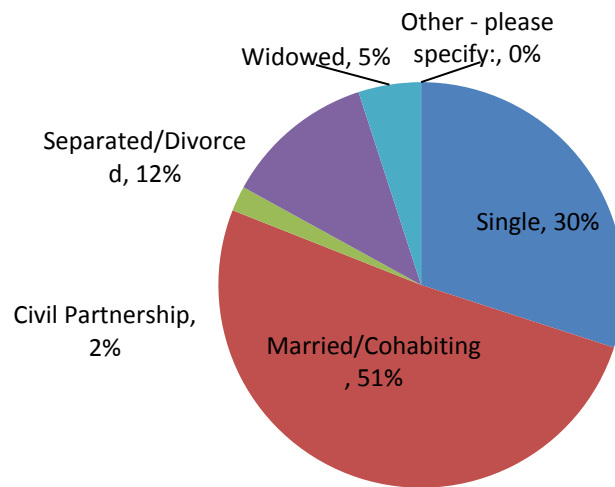
Value	Percent	Count
Yes	1.4%	7
No	98.6%	492
Total		499

22. What age group are you in?



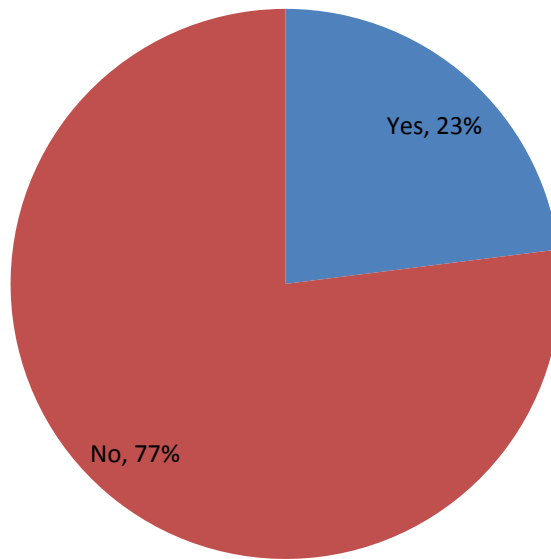
Value	Percent	Count
under 16	0.0%	0
16-24	8.8%	45
25-44	36.2%	184
45-64	43.4%	221
65+	11.6%	59
Total		509

23. What is your marital status?



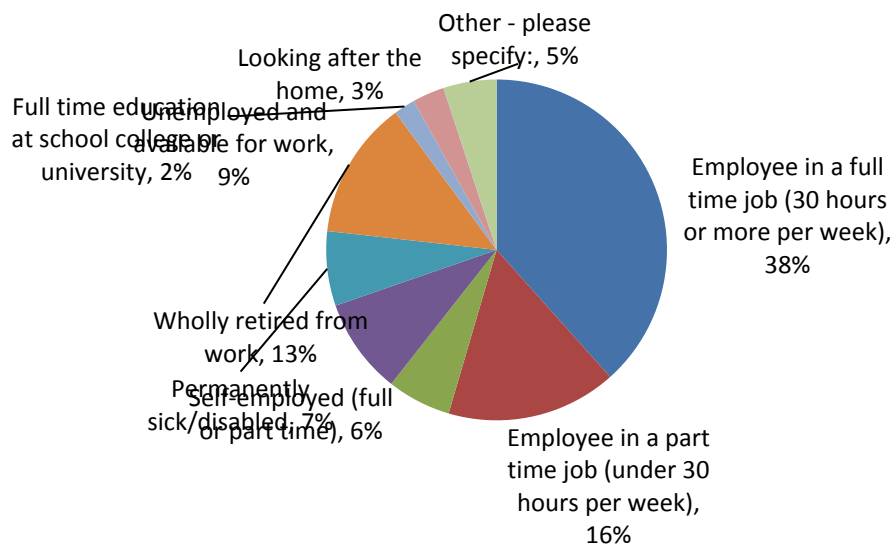
Value	Percent	Count
Single	29.6%	150
Married/Cohabiting	51.1%	259
Civil Partnership	2.4%	12
Separated/Divorced	11.8%	60
Widowed	4.7%	24
Other - please specify:	0.4%	2
Total		507
Responses"Other - please specify:"		Count
LIVING WITH PARTNER		1
engaged		1

24. Do you have caring responsibilities?



Value	Percent	Count
Yes	22.9%	113
No	77.1%	380
Total		493

25. What is your employment status?

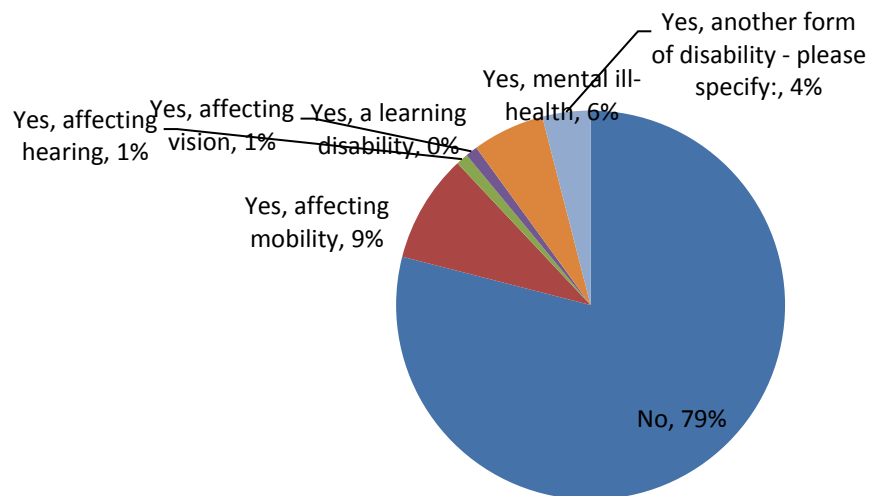


Value	Percent	Count
Employee in a full time job (30 hours or more per week)	38.1%	194
Employee in a part time job (under 30 hours per week)	16.3%	83
Self-employed (full or part time)	5.7%	29
Unemployed and available for work	9.4%	48
Permanently sick/disabled	6.7%	34
Wholly retired from work	13.4%	68
On a government supported training programme (e.g. modern apprenticeship)	0.0%	0
Full time education at school college or university	1.8%	9
Looking after the home	3.3%	17
Other - please specify:	5.3%	27
Total		509

Responses"Other - please specify:"	Count
30 zero hour contract	1
Carer	1
Carer at home	1
Carer for disabled child	1
Carer for husband	1
ESA	2

ESAIR	1
Employed but off sick	1
Employee in 2 jobs 1 full time, 1 on a zero hours contract	1
Retired	1
To care for family members	1
Universal credit	1
VOLUNTEER WORK	1
carer	3
carer for daughter	1
currently not able to work	1
mums carer	1
pensioner	1
retired doing unpaid voluntary work	1
semi retired working on a casual basis	1
temporarily unemployed due to mental health	1
unemployed and pregnant	1
although retired and on comp pension and state full pension my wife gave up work in 1972 to bring up family and now only receives £189 state pension per month	1

26. Are your day-to-day activities limited because of a health problem or disability which has lasted or is expected to last at least 12 months?

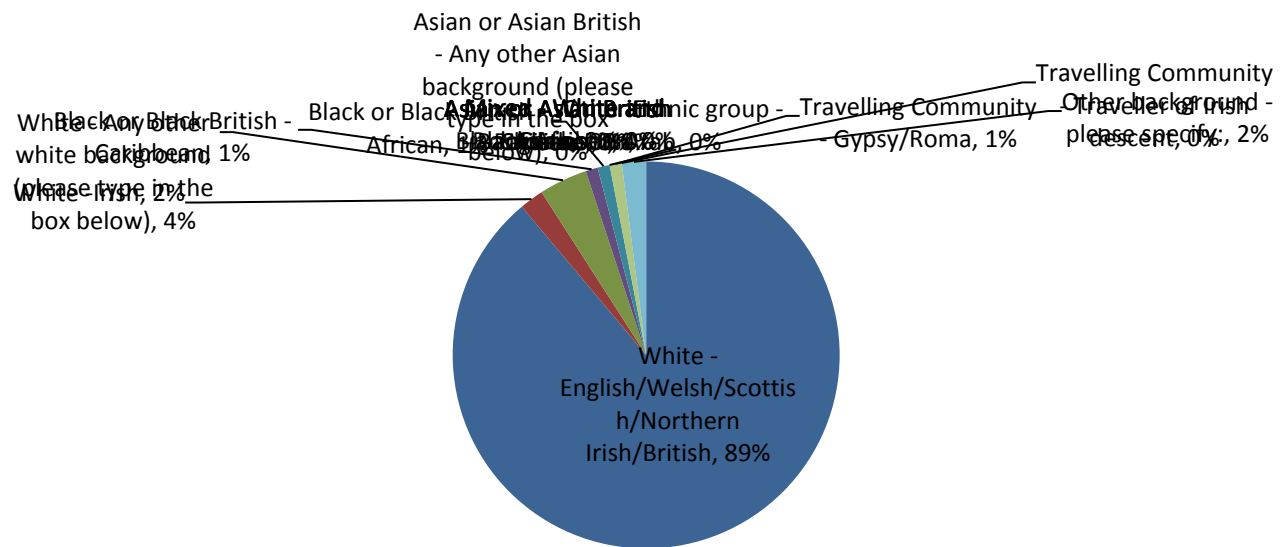


Value	Percent	Count
No	78.5%	398
Yes, affecting mobility	9.1%	46
Yes, affecting hearing	1.4%	7
Yes, affecting vision	1.4%	7
Yes, a learning disability	0.2%	1
Yes, mental ill-health	5.9%	30
Yes, another form of disability - please specify:	3.6%	18
Other - please specify	0.0%	0
Total		507

Responses"Yes, another form of disability - please specify:"	Count
Left Blank	584
Ankylosing spondilitis	1
Arthritis	1
Asthma and high blood pressure	1
Fybromyalgia	1
Hearing	1
Hearing, eyesight, mobility, brain damage suffers short and long term memory loss	1
Husband has dementia	1
Hyper mobility fibro m	1
Terminal illness	1

Yes after a major stroke which has affected mobility, vision and left me with epilepsy.	1
cancer	1
dyslexia/dyspraxia	1
heart condition	1
incontinence prostat du to cancer	1
mental health and limited mobility due to hip replacement and awaiting a right hip replacement	1
more than one option from above	1
substance misuse	1

27. What is your Ethnic Group?

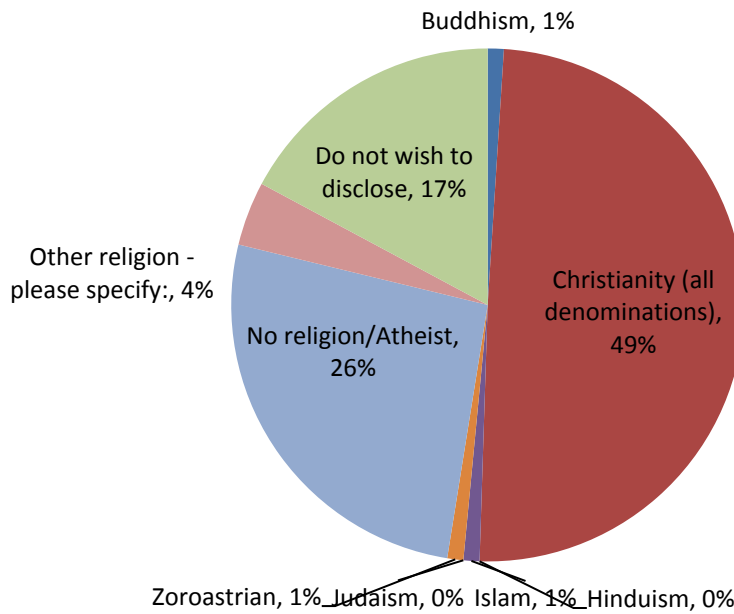


Value	Percent	Count
White - English/Welsh/Scottish/Northern Irish/British	88.3%	444
White -Irish	2.0%	10
White - Any other white background (please type in the box below)	3.6%	18
Black or Black British - Caribbean	0.8%	4
Black or Black British - African	0.6%	3
Black or Black British - Any other black background (please type in the box below)	0.0%	0
Asian or Asian British - Indian	0.2%	1
Asian or Asian British - Pakistani	0.4%	2
Asian or Asian British - Bangladeshi	0.2%	1
Asian or Asian British - Chinese	0.2%	1
Asian or Asian British - Any other Asian background (please type in the box below)	0.2%	1
Mixed - White and Black Caribbean	0.2%	1
Mixed - White and Black African	0.2%	1
Mixed - White and Asian	0.2%	1
Mixed - Any other Mixed background (please type in the box below)	0.0%	0

Other Ethnic group - Arab	0.4%	2
Other Ethnic group - other (please type in the box below)	0.0%	0
Travelling Community - Gypsy/Roma	0.6%	3
Travelling Community - Traveller of Irish descent	0.2%	1
Travelling Community - Other member of the Travelling Community (please type in the box below)	0.0%	0
Other background - please specify:	1.8%	9
Total		503

Responses"Other background - please specify:"	Count
Fillipino	1
Indian Caribbean	1
Kashmiri	1
Oriental	1
Polish	1
South African	1

28. What is your religion/beliefs?



Value	Percent	Count
Buddhism	1.4%	7
Christianity (all denominations)	49.3%	240
Hinduism	0.2%	1
Islam	1.4%	7
Jainism	0.0%	0
Judaism	0.2%	1
Sikhism	0.0%	0
Zoroastrian	0.6%	3
No religion/Atheist	25.9%	126
Other religion - please specify:	4.1%	20
Do not wish to disclose	16.8%	82
Total		487

Responses"Other religion - please specify:"	Count
Catholic	6
Humanist	1
Methodist	1
Muslim	1
Pagan	1
Polish	1
Spiritualism	3
orthodox	1
realist	1

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Appendix B – Equality Impact Assessment form

Equality impact assessment is a requirement for all strategies, plans, functions, policies, procedures and services under the Equalities Act 2010. We are also required to publish assessments so that we can demonstrate how we have considered the impact of proposals.

Section 1: Description

Department	Benefits	Lead officer responsible for assessment	Alison Edwards			
Service	Communities	Other members of team undertaking assessment				
Date	2 November-2015	Version 3				
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	Council Tax Support scheme <p>In April 2013 Council Tax Benefit was abolished. Local Authorities were tasked with producing their own local scheme for support. The scheme was required to match CTB for pension age customers but could be changed for working age customers. CEC had to create its own scheme within the boundaries of decreasing local budgets which would support the welfare reforms programme and assist in making work pay. The original scheme for CTS reduced the maximum entitlement to 80% of the annual charge, a reduction of 20%.</p> <p>Disregards from wages were increased by an additional £5 per week from the disregards set previously, to support the goal of making work pay.</p> <p>With an ever aging population and reducing caseload, the number of working age households is decreasing; which in turn means that the savings have to be made from a smaller pool of residents. The Council Tax Support caseload</p>					

	<p>has reduced by approximately 4000 cases since 2012/13. The reduction in working age claims is 2350.</p> <p>Whilst CEC is committed to not increasing the Council Tax charges for 2016/17, a change to the CTS scheme will mean an increase in payments for Working age customers on low income or out of work.</p> <p>The scheme aims to acknowledge 'work pays' and as such there are additional disregards from wages for those in work. Those not working, with the lowest income locally, will find themselves paying considerably more towards their Council Tax.</p> <p>The proposed changes to scheme for 2015/16 are:</p> <ul style="list-style-type: none"> a) Maximum entitlement 75% b) Restrict to Band B c) Increase non dependant deductions to £7.00 per week d) Increase minimum award to £2.00 per week e) Reduce capital limit to £6k f) Reduce extended payments to 4 weeks g) Remove backdating <p>Case Study examples</p> <p>Case Study 1 – Passported Benefit claim, Job Seekers Allowance, couple with 2 children, Band C</p> <p>2015/16 CTS entitlement is £20.07 per week, required to pay £261.67 Council Tax per year</p> <p>Once changes applied</p> <p>2016/17 CTS entitlement is £16.47 per week, required to pay £449.74</p>
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	<p>Case Study 2 – Standard Benefit Claim, couple working no children, Band B</p> <p>2015/16 CTS entitlement is £14.39 per week, required to pay £394.46 Council Tax per year Once changes applied 2016/17 CTS entitlement is £13.00 per week, required to pay £466.94</p> <p>If this customer has Capital of £6200</p> <p>2015/16 CTS entitlement is £13.89 per week, required to pay £420.54 Council Tax per year Once changes applied 2016/17 CTS entitlement is £0.00 per week, required to pay £1144.80</p> <p>Case Study 3 – Standard Benefit Claim, Couple working, 2 children, Band C</p> <p>2015/16 CTS entitlement is £1.57 per week, required to pay £1226.48 Council Tax per year Once changes applied 2016/17 CTS entitlement is £0.00 per week, required to pay £1308.34</p>
Who are the main stakeholders? (eg general public, employees, Councillors, partners, specific audiences)	Cheshire East Council employees, Councillors, residents of Cheshire East, partners

Section 2: Initial screening

Who is affected? (This may or may not include the stakeholders)	Residents of Cheshire East of working age and on low income, Council Tax and Benefits teams
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listed above)											
Who is intended to benefit and how?			<p>The Council Tax Support scheme is designed to support residents of Cheshire East who have a liability to pay Council Tax for their home and who require some assistance to pay that charge</p> <p>The proposed changes to the scheme will benefit CEC by increasing money in through payment of Council Tax and reducing the levels of reduction via Council Tax Support</p>								
Could there be a different impact or outcome for some groups?			Yes – the scheme changes only affect working age customers as Council Tax Support for pensionable residents remains the same as it was under Council Tax Benefits								
Does it include making decisions based on individual characteristics, needs or circumstances?			Yes – Council Tax Support is a means tested reduction Income, savings/capital and household make up are used to assess the level of reduction eligible								
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)			No								
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?			No								
Is there an actual or potential negative impact on these specific characteristics? (Please tick)											
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N	Carers	Y	N
Disability	Y	N	Pregnancy &	Y	N	Sex	Y	N	Socio-economic	Y	N

			maternity						status		
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>The new scheme only affects those residents of working age – the scheme is modelled to ensure a specific level of savings to the CTS budget. This means that the recovery of these savings has to be made from this group.</p> <p>Residents of pension age are protected from any cuts and still retain the protections of the original Council Tax Benefit scheme</p> <p>51% of current claimants are of working age and 49% are pension age</p>								Full consultation on new scheme and options for change		
Disability	<p>Disability has no direct effect on assessment, however there are more protections afforded to those with disabilities through other benefits payable and disregards of those incomes from the calculation of Council Tax Support</p> <p>5913 claims contain one or more household member who is considered to be vulnerable using disability premiums as an indicator for vulnerability</p>								Yes as above		
Gender reassignment	Has no effect on the assessment - currently no stats are available regarding the number of gender reassignment residents in the borough								Consultation open to all		
Marriage & civil partnership	Has no effect on the assessment – stats based on marital/partnership status are not available								Consultation open to all		

Pregnancy & maternity	Has no effect on the assessment – stats are not held regarding this group	Consultation open to all	
Race	Has no effect on the assessment – from the latest census the population of Cheshire East is 93.6% White British, leaving 6.4% other ethnicities	Consultation open to all	
Religion & belief	Has no effect on the assessment	Consultation open to all	
Sex	Has no effect on the assessment – caseload split by claimant shows 60% female 40% male There is no additional breakdown to list single parents who are generally female	Consultation open to all	
Sexual orientation	Has no effect on the assessment – stats are not held on this group	Consultation open to all	
Carers	Has no effect on the assessment – per 2011 census, 40003 residents class themselves as unpaid carers	Consultation open to all	
Socio-economic status	This group is directly affected by this scheme – those out of work or working in lower paid roles or on minimal hours. Specific protections have been built into the scheme to support those in work or returning to work to ensure that it pays to work, and the customer can see the benefits of higher earnings. Additional disregards are made from earned income.	Full consultation on new scheme and options for change	
Proceed to full impact assessment? (Please tick)	Yes	No	Date 12.6.15

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

Section 3: Identifying impacts and evidence

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

Protected characteristics	Is the policy (function etc....) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations	Are there any positive impacts of the policy (function etc....) on any of the groups? Please include evidence (qualitative & quantitative) and consultations	Please rate the impact taking into account any measures already in place to reduce the impacts identified High: Significant potential impact; history of complaints; no mitigating measures in place; need for consultation Medium: Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures Low: Little/no identified impacts; heavily legislation-led; limited public facing aspect	Further action (only an outline needs to be included here. A full action plan can be included at Section 4)
Age	Savings need to be made via a reduction of this scheme in order to avoid impact on other LA services. There are currently 21,025 recipients, 10,610 of whom are working age.	Pension age customers are not affected by any of the changes	High – full consultation undertaken Impact will vary based upon income, household make up, Council Tax Band and location	Full Consultation Promote awareness of the changes Encourage all to spread Council Tax instalments over 12 months to reduce financial impact, if not already done Annual promotion of Council Tax Discounts and Exemptions to maximise take up Under Section 13a of the Local Government Finance Act 1992, the

				<p>Council has the power to reduce liability for Council Tax in relation to individual cases where national discounts and exemptions cannot be applied.</p> <p>For those struggling to manage their budget, advice and budgeting support can be arranged.</p>
Disability	No adverse effect due to disability – additional protections of disregarded income and higher applicable amounts		<p>Low</p> <p>Impact will vary based upon income, household make up, Council Tax Band and location</p> <p>This group may have limited/no capacity to work.</p>	
Gender reassignment	No adverse effect due to gender reassignment – all working age affected the same		<p>Low</p> <p>Impact will vary based upon income, household make up, Council Tax Band and location</p>	
Marriage & civil partnership	No adverse effect due to marital status – all working age affected the same		<p>Low</p> <p>Impact will vary based upon income, household make up, Council Tax Band and location</p>	

Pregnancy and maternity	No adverse effect due to maternity/pregnancy – potential for additional protections as vulnerable		Low Impact will vary based upon income, household make up, Council Tax Band and location	
Race	No adverse effect due to race – all working age affected the same		Low Impact will vary based upon income, household make up, Council Tax Band and location	
Religion & belief	No adverse effect due to religion/beliefs – all working age affected the same		Low Impact will vary based upon income, household make up, Council Tax Band and location	
Sex	No adverse effect due to sex – all working age affected the same		Low Impact will vary based upon income, household make up, Council Tax Band and location	
Sexual orientation	No adverse effect due to sexual orientation – all working age affected the same		Low Impact will vary based upon income, household make up, Council Tax Band and location	
Carers	No adverse effect due to		Low	

	being a carer – potential for additional protections as vulnerable support		Impact will vary based upon income, household make up, Council Tax Band and location This group may have limited/no capacity to work depending upon time taken with carer duties.	
Socio-economics	<p>This group includes families, couples and singles with low income, either as benefits or lower earnings. They are the customers who will be affected by this change of scheme. More savings have to be found from a smaller group of people. Protections are available to ensure more support for those in work and striving to increase hours/salary. However, inevitably, this group is the most effected.</p> <p>This group will face an increase in their Council Tax, which will vary based upon their household make up, Council Tax band and location. Those with lower incomes will face a larger cut in their disposable income,</p>	The scheme may act as incentive for applicants to find employment or increase hours or pay.	Full consultation required to establish support for the best option for both the LA and it's citizens	<p>Full consultation Promote awareness of the changes Encourage all to spread Council Tax instalments over 12 months to reduce financial impact, if not already done Under Section 13a of the Local Government Finance Act 1992, the Council has the power to reduce liability for Council Tax in relation to individual cases where national discounts and exemptions cannot be applied. Work around re-generation to bring more jobs to Cheshire East. For those struggling to</p>

	and be most affected by the changes.			manage their budget, advice and budgeting support can be arranged.
Is this project due to be carried out wholly or partly by contractors? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)				

Section 4: Review and conclusion

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed

The group affected by changes to this policy is becoming smaller year on year, following caseload trends. This means that they will be affected significantly having a high impact on monthly disposable income. This in turn has a negative effect on the local economy. However the more customers that return to the workplace will have a positive effect financially, emotionally and socially. More family income from wages will mean a higher family disposable income.

Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
Review of consultation results – new scheme designed and implemented	Benefits Manager will co-ordinate with cross-departmental support	Paper prepared for Chief Operating Officer – summary prepared for consideration by Cabinet, Scrutiny and Council	Nov, with final decision at Council in December
Review impacts of future welfare reform changes	Benefits Team & Corporate Welfare Reform Working Group	Chair of Welfare Reform Working Group	November 2015-April 2016 as details made available
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?	December 2015 once final decision made by Council		
Are there any additional assessments that need to be undertaken in relation to this	Separate Health Impact Assessment Financial modelling of the cost of the scheme and collection rates/recovery action for Council Tax for those receiving Council Tax Support		

assessment?	Review impact of other welfare reform changes once known		
Lead officer signoff	Alison Edwards	Date	November 2015
Head of service signoff	Paul Bayley	Date	November 2015

Please publish this completed EIA form on your website

Appendix C – Health Impact Assessment

Screening for Health Impact Name of policy to be assessed: Council Tax Support (CTS)

As part of the Government's Welfare Reform programme, this policy is aimed to support the reduction of the cost of the benefits bill and simplify the benefits system. More emphasis is put on the customer being responsible for their finances. The Council has a duty to take account of issues relating to health and well-being.

Please answer the questions below in relation to this policy and the impact it will have on the social, economic and environmental living conditions that will be affected as a result and which would therefore indirectly have an impact on health.

Screening Question	NO If there will be no health impact provide a brief explanation for your response	YES If there will be a health impact provide a brief explanation
Will the policy/programme have an impact on social, economic or environmental living conditions that would indirectly affect health? For example, would it affect housing, transport, child development, education, good employment opportunities, green space or climate change?		<p>The customers who are applying for help via the CTS scheme are either out of work, on low earnings or Pensioners.</p> <p>Protections were maintained from the old Council Tax Benefit Scheme for pensioners to ensure that they still receive the maximum amount of reduction.</p> <p>For working age customers the changes are considerable.</p> <p>The health and wellbeing of all family members may be affected by a lower disposable family income.</p> <p>Employment opportunities – the scheme promotes 'being in work pays' – with additional disregards from wages for the calculation of CTS.</p> <p>Additional changes via the welfare form, increased tax levels from £10,800 to £11,000.</p>

<p>Which socioeconomic or equalities group will be particularly affected?</p>		<p>Potential for additional traffic on the roads if more customers back into work.</p> <p>Education – impact of less disposable income, inability to replace uniform, shoes and equipment.</p> <p>Unhealthy lunches as healthy food choices are often more expensive.</p> <p>Child development – low self esteem – unable to attend school trips or clubs.</p> <p>This policy will affect residents from all socioeconomic and equalities groups equally. Anyone of working age is potentially affected if they are out of work or on a low income.</p> <p>Less disposable income means less money into local economy (78p in £).</p> <p>Potential additional court costs for failure to pay instalments.</p> <p>It enforces the work incentive at the heart of the Welfare Reforms. Customers are better off in work because they get additional income disregards towards the calculation of their CTS.</p>
<p>Will the proposal affect an individual's ability to improve their own health and</p>		<p>The aim of the scheme is support people into work – customers in work receive additional disregards from their wages to allow extra support.</p> <p>Reduced CTS will result in customers using existing</p>

<p>wellbeing? For example, will it affect their ability to be physically activity, choose healthy food, reduce drinking and smoking? Which socioeconomic or equalities group will be particularly affected?</p>		<p>budgets to pay the Council Tax shortfall, leaving less money for food/utilities etc, poor diet, less fuel – cold weather = illness, stress through debt & worry.</p> <p>A reduction to disposable income will affect the customer's ability to purchase healthy food, which is generally more expensive than 'fast food' items.</p> <p>It may enforce a beneficial change in the reduction of drinking and smoking due to reduced funds available.</p>
<p>Will the proposal have a direct impact on mental health and wellbeing? For example, would it cause ill health affecting social inclusion, independence and participation? Which socioeconomic or equalities group will be particularly affected?</p>		<p>Financial pressures inevitably may result in relationship/family breakdown which has a major impact on the mental health and wellbeing of both adults and children within a family unit.</p> <p>Where mental health is affected we may see an increase in stress, suicide or alcoholism which has a direct impact on the Health Care providers within the Borough.</p> <p>A poor diet and reduced money to support physical activities such as clubs and gyms will in turn potentially have a negative effect on both physical and mental health.</p> <p>Generally activity clubs and gym membership supports and enhances well being both physically and mentally – aiding social inclusion and participation within the</p>

		<p>community.</p> <p>Rural issues – reduced income will affect those living in the rural areas of Cheshire East. Less money to travel; which may impact on social inclusion and the customer's support network.</p> <p>Again this will affect all groups within the community.</p> <p>Poor health may prevent the customer gaining employment or result in time off work and losing their job.</p> <p>A positive outcome of this may be a greater use of the green spaces available throughout the Borough at no cost to the residents. There is the potential to engage more with free events arranged through the Sport and Recreation department locally, to join new support groups & voluntary groups and open up new networks – supporting social inclusion</p>
<p>Will there be a change in demand for or access to health and social care services? For example, Primary Care, Community Services, Mental Health and Social Services? Which</p>		<p>Due to reduced income there may be considerable affects on the health of our residents.</p> <p>During the winter months if money is short customers will be less inclined to heat their homes effectively which in turn causes ill health, influenza, common cold, insomnia and an increase in excess winter deaths.</p> <p>Fuel poverty is already an issue which Cheshire East are actively aiming to reduce in order to tackle this issue and an Under the Weather group has been set up to review options and solutions to support residents during both</p>

socioeconomic or equalities group will be particularly affected?		<p>excess cold and excess heat .</p> <p>Illness and isolation will have an impact on all the local health and social care services.</p> <p>Additional A&E footfall, hospital in-patients and referrals for social care support.</p>
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Identify Health Impacts	Will the health impact affect the whole population or will there be differential impacts within the population?	Will the health impacts be difficult to remedy or have an irreversible impact	Will the health impacts be medium to long?	Are the health impacts likely to generate public concern?	Are the health impacts likely to generate cumulative and/or synergistic impacts?	Combining the answers, on balance will the health impacts have an important positive or negative impact on health?
General Health and wellbeing	Generally will only affect customers of working age and their children as policy does not directly affect pensioners. However, will affect pensioners living with a working age family unit	The effect can be remedied by the customer gaining successful , full time employment at a level of earnings moving them from welfare dependency	Yes	Yes	Yes	Negative impact on health due to reduced income to support good health and wellbeing

Healthy Eating	As above	As above	Yes	Yes	Yes	Negative impact - generally good healthy food is more expensive than 'fast food' as budget is reduced there is less disposable income to spend. May not be used for best options
Mental Health	As above	Possibly	Yes	Yes	Yes	Negative impact – additional stress to customers due to reduced finances/debts – increased risk of suicide, alcoholism. Relationship breakdown affecting both adults and children
Demand on Health and Social Care	As above	Yes	Possibly but also immediate/short term	Yes	Yes	Poor health due to poor diet, lack of physical exercise, stress, fuel poverty

Analysis

The policy can have both positive and negative effects.

Negative affects to health

Poor diet – due to reduction of disposable income

Poor general health - due to poor diet

Fuel Poverty – less money to use necessary utilities to heat the home

Stress – impact of having to move out of area, away from support network, increased social isolation, suicide, alcoholism

With a reduction to disposable income, the household budget will need to be managed to take this into account. This could have a negative impact on eating healthily and use of utilities, which in turn will affect the customer and family's health and well being. If the reduction prompts the customer to move and downsize, their security of tenure and suitability of accommodation may be affected.

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 8th December 2015
Report of: Chief Operating Officer
Subject/Title: Council Tax Base 2016/17
Portfolio Holder: Councillor Peter Groves, Finance and Assets

1.0. Report Summary

- 1.1. Cheshire East Council is the third largest council in the Northwest of England, responsible for over 500 services, supporting over 370,000 local people. Annual spending is more than £750m, with a balanced net budget for 2015/16 of £246.4m. The complexity of customer demands and the size of the organisation make it very important to manage performance and control expenditure to ensure the best outcomes for residents and businesses.
- 1.2. In November 2015 the Council reported its mid-year review of performance demonstrating how the Council is continuing to build on the final outturn position for 2014/15 by reflecting a manageable forecast overspend of £0.5m or 0.2% of net budget. This was the lowest figure ever reported for the Council at the mid-year stage of the financial year and confirmed that the Council's reserves strategy remains effective.
- 1.3. The overall financial health, performance, resilience and value for money at Cheshire East Council is strong despite taking over £50m out of its cost base since 2011/12, and freezing Council Tax for the fifth consecutive year. The 2014/15 accounts were recently signed off by the Council's external auditors, without qualification, and savings are consistently achieved through efficiency, removing duplication of effort, making reductions in management costs, and planned programmes of asset disposals. The approach continues to protect funding provided to front line services.
- 1.4. The sustainability of the Council's financial position is enhanced as, unlike many local authorities, 68% of the Council's net revenue funding is raised locally through Council Tax. The Council has continued to protect local residents through freezing Council Tax levels and ensuring that everyone who is eligible to pay does so. This report sets out the tax base calculation for recommendation from Cabinet to Council.
- 1.5. The calculation sets out the estimates of new homes less the expected level of discounts and the level of Council Tax Support. This results in a band D equivalent tax base position for each Town and Parish Council.

- 1.6. The Council has reviewed its Council Tax Support (CTS) Scheme between September and December. The results of that process are detailed in a separate report on this Cabinet agenda. The option taken forward by Members will have an impact on the 2016/17 taxbase.
- 1.7. The tax base reflects growth of 2.5% on the 2015/16 position highlighting the positive changes locally in terms of additional new homes, more properties brought back into use and reduced CTS payments. Over the last six years the taxbase (excluding the impact of CTS) has increased by over 7%.

2.0 Recommendation

- 1.8. That Cabinet, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, recommends to Council, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2016/17 as **142,186.60** for the whole area.

3.0 Other Options Considered

- 1.9. The Council published its [Pre-Budget Report 2016/17](#) for consultation at the end of October 2015. Within that document there is a proposal to vary the Council Tax Support scheme (see page 48). This proposal is reflected in the recommended taxbase in section 2 above.

4.0 Reason for Recommendation

- 1.10. In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31st January 2016.

5.0 Background/Chronology

- 1.11. Cheshire East Council is required to approve its tax base before 31st January 2016 so that the information can be provided to the Cheshire Police and Crime Commissioner and Cheshire Fire Authority for their budget processes. It also enables each Town and Parish Council to set their respective budgets. Details for each parish area are set out in **Appendix A**.
- 1.12. The tax base for the area is the estimated number of chargeable dwellings expressed as a number of band D equivalents, adjusted for an estimated number of discounts, exemptions and appeals plus an allowance for non-collection. A reduction of 1.25% is included in the tax base calculation to allow for anticipated levels of non-collection.
- 1.13. Collection rates of 99% have been achieved over two years, but changes to Council Tax discounts, specifically the introduction of Council Tax Support (CTS), are having an impact on this indicator. Nationally councils

are seeing small reductions in collection rates, so the anticipated level of non-collection at Cheshire East has been maintained at 1.25%. Processes to collect Council Tax locally continue to be effective and will be reviewed throughout the year should collection performance deteriorate.

- 1.14. The tax base has been calculated in accordance with the Council's policy to offer no reduction for empty properties. However discretionary reductions will continue to be allowed, for landlords, under Section 13A of the Local Government Finance Act 1992 for periods of up to eight weeks between tenancies. This is no change from 2015/16.
- 1.15. Analysis of recent trends in new homes, and homes being brought back into use, suggest an increase of around 3,500 homes is likely between the setting of the 2015/16 taxbase and the end of 2016/17. The impact of this growth, which is affected by when properties may be available for occupation and the appropriate council tax banding, is factored into the tax base calculation.
- 1.16. The tax base also reflects assumptions around CTS payments. The Cheshire East CTS scheme was introduced in 2013/14 and was uprated for 2014/15 to reflect total expected payments of £19.1m. This was based on anticipated payments of £17.7m plus an allowance for risk at £1.35m (7.5%) as at February 2014. The risks included uncertainty over the economy, the potential for a major employer to leave the area (with no alternative employment available) and lack of experience of operating the new scheme.
- 1.17. For the third year of the CTS scheme it was appropriate to adjust the level of payments built into the tax base calculation. At December 2014 the tax base was amended to acknowledge the original payment forecast of £17.7m plus a 33% reduction in the risk factor to £0.9m (5%) to give a CTS position of £18.6m.
- 1.18. At the end of September 2015 the forecast level of payments for the current financial year is expected to be £15.4m. Therefore, a further £1m reduction in CTS payments has been factored into the 2016/17 taxbase to reflect this decreased trend in payments being made. This gives a budget of £17.6m being estimated payments of £15.7m and a risk factor of £1.9m (assuming no change to the CTS scheme for this purpose). These changes are summarised in **Table 1**.

Table 1 – Council Tax Support Budget since the introduction of the Scheme

Taxbase Year	CTS Payments £m	Risk Allowance £m	Resulting CTS Budget £m
2013/14	18.2	0.7	18.9
2014/15	17.7	1.4	19.1
2015/16	17.7	0.9	18.6
2016/17 (assuming no change to CTS scheme)	15.7	1.9	17.6

- 1.19. As it is now the third year of the scheme a public consultation was undertaken on proposed changes to the CTS scheme for 2016/17. This review was undertaken to identify additional savings to contribute to the Council's medium term financial challenge, whilst ensuring the scheme remains fair to residents, continues to support vulnerable people and encourages those who can work to do so, or to increase their hours and/or pay to reduce welfare dependency.
- 1.20. The option that has been included in the recommended taxbase in section 2 is based on the following change to the CTS scheme:
- Council Tax Support scheme amended to increase the minimum contribution from 20% to 25%, and awards restricted to maximum payable for a Band B.
- 1.21. The table below shows the estimated saving, CTS budget and resulting taxbase when this change is implemented from 1st April 2016.

Table 2 – 2016/17 Council Tax Support Changes

Change	CTS Budget £m	Estimated Saving on resulting CTS Budget (see Table 1) £m	Resulting Taxbase (Band D)
Working Age pay 25% - restrict to Band B	16.7	0.9	142,186.60

- 1.22. This will allow an increased risk factor of £1.9m to remain within the scheme. The ongoing level of risk reflects a number of possible influences on the scheme such as:
- Continuing challenges over the medium term economic position with no growth in business rates currently being factored into our financial plans.

- The risk of a major employer leaving the area.
- The risk of delay in the significant development projects delaying employment opportunities.
- The prospect of a greater number of residents becoming of pensionable age and potentially becoming eligible for CTS.
- The risk of increased non-collection due to the increasing demand on non-protected residents.

6.0 Wards Affected and Local Ward Members

1.23. All

7.0 Implications of Recommendations

1.24. Policy Implications

1.24.1. None.

1.25. Legal Implications

1.25.1. In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and Chapter 4 of the Council's Constitution, the calculation of the Council Tax Base is a matter for full Council following a recommendation by Cabinet.

1.26. Financial Implications

1.26.1. The calculation of the tax base provides an estimate that contributes to the calculation of overall funding for Cheshire East Council in each financial year.

1.26.2. The Council Tax Support scheme has the effect of reducing the tax base, as reductions under this scheme are provided as a discount to Council Tax liability.

1.27. Equality Implications

1.27.1. None.

1.28. Rural Community Implications

1.28.1. This report provides details of taxbase implications across the borough.

1.29. Human Resource Implications

1.29.1. None.

1.30. Public Health Implications

1.30.1. None.

1.31. Other Implications (please specify)

1.31.1. None.

8.0 Risk Management

- 1.32. Consideration and recommendation of the Tax Base for 2016/17 to Council ensures that the statutory requirement to set the taxbase is met.
- 1.33. Estimates contained within the Council Tax Base calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities.

9.0 Contact Information

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

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APPENDIX A

COUNCIL TAX - TAXBASE 2016/17

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 98.75%
Acton	127.52	125.92
Adlington	599.32	591.83
Agden	71.34	70.45
Alderley Edge	2,682.94	2,649.40
Alpraham	184.17	181.86
Alsager	4,422.82	4,367.54
Arclid	119.66	118.16
Ashley	159.23	157.24
Aston by Budworth	183.17	180.88
Aston-juxta-Mondrum	91.57	90.43
Audlem	905.03	893.72
Austerson	46.99	46.41
Baddiley	135.54	133.84
Baddington	64.73	63.92
Barthomley	98.08	96.86
Basford	94.56	93.37
Batherton	23.63	23.34
Betchton	263.09	259.80
Bickerton	124.20	122.65
Blakenhall	72.89	71.98
Bollington	3,024.68	2,986.87
Bosley	201.97	199.44
Bradwall	85.96	84.88
Brereton	595.50	588.05
Bridgemere	69.14	68.27
Brindley	69.42	68.55
Broomhall	96.95	95.73
Buerton	221.05	218.29
Bulkeley	125.60	124.03
Bunbury	634.40	626.47
Burland	287.57	283.98
Calveley	132.55	130.90
Checkley-cum-Wrinehill	46.14	45.56
Chelford	616.69	608.98
Cholmondeley	71.74	70.84
Cholmondeston	94.65	93.47
Chorley	262.45	259.17
Chorley (Crewe)	58.27	57.54
Chorlton	511.40	505.01
Church Lawton	865.11	854.29
Church Minshull	216.67	213.96
Congleton	9,780.77	9,658.51
Coole Pilate	30.28	29.90
Cranage	634.99	627.06
Crewe	13,455.28	13,287.09
Crewe Green	99.60	98.36
Disley	2,007.30	1,982.21
Dodcott-cum-Wilkesley	219.13	216.39
Doddington	16.29	16.09
Eaton	224.90	222.09
Edleston	78.57	77.59
Egerton	39.38	38.89
Faddiley	77.04	76.07
Gawsworth	822.52	812.24
Goostrey	1,055.57	1,042.37
Great Warford	447.55	441.96
Handforth	2,254.67	2,226.49
Hankelow	153.90	151.98
Haslington	2,387.85	2,358.01
Hassall	110.67	109.29
Hatherton	179.74	177.49
Haughton	99.85	98.60
Henbury	331.35	327.20
Henhull	26.10	25.77
High Legh	891.61	880.47
Higher Hursfield	328.38	324.27
Holmes Chapel	2,524.01	2,492.46
Hough	340.24	335.99
Hulme Walfield & Somerford Booths	161.81	159.79
Hunsterson	80.55	79.54
Hurleston	36.25	35.80

COUNCIL TAX - TAXBASE 2016/17

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 98.75%
Kettleshulme	166.03	163.95
Knutsford	5,753.57	5,681.65
Lea	23.53	23.24
Leighton	1,714.87	1,693.44
Little Bollington	88.06	86.96
Little Warford	38.49	38.01
Lower Peover	74.08	73.15
Lower Withington	307.13	303.29
Lyme Handley	72.44	71.54
Macclesfield	17,999.30	17,774.31
Macclesfield Forest/Wildboarclough	111.75	110.35
Marbury-cum-Quoisley	123.28	121.74
Marton	113.69	112.27
Mere	443.93	438.38
Middlewich	4,738.36	4,679.13
Millington	102.18	100.91
Minshull Vernon	122.86	121.32
Mobberley	1,442.85	1,424.82
Moston	217.96	215.24
Mottram St Andrew	399.83	394.83
Nantwich	5,307.50	5,241.15
Nether Alderley	376.46	371.76
Newbold Astbury-cum-Moreton	349.40	345.03
Newhall	431.03	425.64
Norbury	105.13	103.82
North Rode	121.56	120.04
Odd Rode	1,978.61	1,953.88
Ollerton with Marthall	312.69	308.79
Over Alderley	213.69	211.02
Peckforton	71.72	70.82
Peover Superior	396.14	391.19
Pickmere	374.42	369.74
Plumley with Toft and Bexton	395.68	390.73
Poole	73.22	72.31
Pott Shrigley	150.61	148.73
Poynton with Worth	5,832.21	5,759.30
Prestbury	2,185.14	2,157.82
Rainow	606.25	598.67
Ridley	64.25	63.45
Rope	837.96	827.49
Rostherne	79.52	78.52
Sandbach	7,054.67	6,966.48
Shavington-cum-Gresty	1,696.64	1,675.43
Siddington	186.54	184.21
Smallwood	323.52	319.47
Snelson	82.59	81.56
Somerford	255.57	252.37
Sound	104.24	102.94
Spurstow	189.63	187.26
Stapeley	1,501.62	1,482.85
Stoke	111.84	110.44
Styal	371.26	366.62
Sutton	1,141.17	1,126.91
Swettenham	171.57	169.42
Tabley	208.92	206.31
Tatton	10.28	10.15
Twemlow	108.54	107.19
Walgherton	69.90	69.02
Wardle	52.66	52.00
Warmingham	120.96	119.45
Weston	940.38	928.63
Wettenhall	119.21	117.72
Willaston	1,296.69	1,280.48
Wilmslow	11,326.11	11,184.54
Wincle	94.08	92.90
Wirswall	42.19	41.66
Wistaston	3,018.27	2,980.55
Woolstanwood	243.71	240.67
Worleston	115.56	114.11
Wrenbury	451.83	446.18
Wybunbury	604.36	596.80
	143,986.43	142,186.60

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 8th December 2015
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Revised Statement of Gambling Principles
Portfolio Holder: Cllr Les Gilbert – Communities

1.0 Report Summary

- 1.1 The Gambling Act 2005 requires Local Authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31st January 2016. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders.
- 1.3 The Licensing Committee previously considered the draft statement (appendix 1) on the 8th June 2015 prior to consideration by the relevant Cabinet Member and public consultation.

2.0 Recommendation

- 2.1 That Cabinet support the content of the Statement of Principles as set out in Appendix 1 and recommend it for formal adoption by Council.

3.0 Reasons for Recommendations

- 3.1 The statement of principles under the Gambling Act 2005 forms part of the Council's Policy Framework and it is necessary for it to be considered by the Licensing Committee and Cabinet.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Council is required to revise and adopt a Statement of Gambling Principles every three years.

7.0 Financial Implications

- 7.1 None identified

8.0 Legal Implications

- 8.1 By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies. Statements must usually be revised and published in respect of every period of three years, that being 2016 – 2019.
- 8.2 The Statement of Principles forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement of principles, the Authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).
- 8.3 Sub-section 349(3) of the 2005 Act prescribes that in preparing a revision of a statement a licensing authority is required to consult:
- (a) the chief officer of police for the authority's area;
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the 2005 Act.
- 8.4 The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.
- 8.5 Regulation 7 of the 2006 Regulations prescribes that before a revised statement comes into effect the authority must advertise the publication of the statement by way of a notice published on the authority's website and in one or more of the following places: (i) a local newspaper circulating in the area covered by the statement; (ii) a local newsletter, circular or similar document circulating in the area covered by the statement; (iii) a public notice board in or near the principal office of the authority; (iv) a public notice board on the premises of public libraries in the area covered by the statement.

- 8.6 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

9.0 Risk Management

- 9.1 Compliance with the provisions of section 349 of the 2005 Act and the 2006 Regulations, having regard to the provisions of the Guidance, compliance with the Budget & Police Framework Procedure Rules, and giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final Statement of Principles.

10.0 Background

- 10.1 As set out above, the Gambling Act 2005 requires Licensing Authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The current statement of principles was approved in 2013 and took into account the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 in terms of its form and content.
- 10.2 The draft statement, a copy of which is attached as Appendix 1, incorporates some minor amendments, changes in legislation or practices (such as specific sections on the splitting of premises and primary gambling activity) and takes into account the request from the Gambling Commission that Licensing Authorities prepare a local area assessment.
- 10.3 The revised statement was considered by the Licensing Committee on 8th June 2015 who approved the content. The revised policy was considered by the Cabinet Member for Communities on the 20th July 2015. The Committee and Cabinet Member approved the content and confirmed it was appropriate to be consulted upon.
- 10.4 The consultation was conducted between 24th August 2015 and 21st September 2015. This consultation was conducted by:
1. Placing a Notice confirming the consultation on the Council's website
 2. Placing a Notice confirming the consultation at the Council's principal offices (ie Westfields, Macclesfield Town Hall and Delamere House).
 3. Notification to all premises licence holders
 4. Notification to all Responsible Authorities
 5. Notification to the Town and Parish Councils
 6. Notification to various gambling support groups and charities
 7. Notification to the Council's Public Health and Safeguarding Teams

- 10.5 The statement was also considered by the Council's Communities Overview and Scrutiny Committee on the 24th September 2015 who confirmed their support for the content.
- 10.6 The Licensing Committee at its meeting on 16th November 2015 considered the responses to the consultation and agreed a number of minor changes which have been incorporated into the attached Appendix.
- 10.7 The Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 10.8 Within the last three years, the period the Council's current statement has principles has been in operation, there has been no significant increase or decrease in the number of premises requiring a gaming permit or a premises licence.
- 10.9 Section 153 of the Gambling Act 2005 provides that, in exercising its functions under Part 8 of the Act, a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
- i. In accordance with any relevant code of practice under section 24 of the Gambling Act 2005 (i.e. the Licence conditions and codes of practice prepared by the Gambling Commission)
 - ii. In accordance with any relevant guidance issued by the Commission under section 25 of the Gambling Act 2005
 - iii. Reasonably consistent with the Licensing Objectives, and
 - iv. In accordance with the Licensing Authority's Statement of Licensing Principles.
- 10.10 Section 153 also makes it clear that in deciding whether or not to grant a licence, a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- 10.11 Similarly, section 210 (1) of the Gambling Act 2003 states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.
- 10.12 The Licensing Authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.

10.13 Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the Licensing Authority may not do so unless satisfied that such use would be in accordance with this Guidance, any relevant Commission code of practice, its own statement of licensing policy, and the licensing objectives.

10.14 In reviewing the statement of principles we have considered (amongst other things):

- The promotion of the three licensing objectives
- The guidance issued under Section 25 of the Gambling Act 2005 and the update guidance that was prepared by the Gambling Commission and subject to consultation of its own during this review
- The Council's current Statement of Gambling Principles
- Equality legislation and requirements

11.0 Access to Information

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

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Cheshire East Council

Statement of Gambling Principles

Gambling Act 2005

January 2016 to January 2019

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Appendices

- Appendix 1 Cheshire East Area Profile
- Appendix 2 Summary of gaming machine categories and entitlements
- Appendix 3 Summary of machine provisions by premises
- Appendix 4 Summary of gaming entitlements for clubs and alcohol-licensed premises
- Appendix 5 Scheme of Delegation

Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

1 Introduction

- 1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally

apply to promote the Licensing Objectives when making decisions on applications made under the Act.

- 1.2 The Licensing Authority has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in section 1 of the Act. The Licensing Objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:
 - Cheshire Constabulary
 - Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
 - Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

2 General Principles

- 2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 2.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 2.3 Nothing in this Statement will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 2.4 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being

harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

- 2.6 Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.
- 2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- In accordance with any relevant Codes of Practice issued by the Gambling Commission
 - In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
 - Reasonably consistent with the licensing objectives

3 Gambling Prevalence and Problem Gambling

- 3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery.
- 3.2 The most popular gambling activities are:

Type	% of adult population
National Lottery	59%
National Lottery scratch cards	24%
Betting on horse races	16%
Playing slot machines	13%
Online gambling	5%
Placed bets by internet	4%
Fixed Odds Betting Terminals	4%
Gambled in a casino	4%

- 3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.
- 3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- 3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).

- 3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.
- 3.7 The GamCare Annual Review 2013/2014 shows that there has been a reduction in the number of inbound calls made to their Help Line compared to the 2012/2013 figures (30,648 in 2013/2014 and 32,733 in 2012/2013). Similarly, the number of 'chat hours' offered fell from 699 in 2012/2013 to 499 in 2013/2014. However, there was an increase in the number of unique visits to their website.
- 3.8 GamCare's Annual Review reiterates that when gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who come to GamCare for counselling, this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends.

4 Cheshire East Area Profile

- 4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.
- 4.2 A full profile of the Borough is set out at Appendix 1.
- 4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

5 The Gambling Act 2005

- 5.1 Gambling is defined in the Act as either gaming, betting, or taking part in a lottery.
- Gaming means playing a game of chance for a prize
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
 - A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance
- 5.2 The Act provides for three categories of licence:
- Operating licences
 - Personal licences

- Premises licences

5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.

5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

5.5 It should be noted that:

- Spread betting is regulated by The Financial Services Authority
- Remote (on-line) gambling is dealt with by the Gambling Commission
- The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)

5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary and Occasional Use Notices
- Registration of small society lotteries

5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.

5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

6 Responsible Authorities

6.1 A Responsible Authority may make representations about an application for a premises licence or may request a review of a premises licence. For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in Cheshire East:

- The licensing authority in whose area the premises are wholly or mainly situated
- The Gambling Commission
- Cheshire Constabulary as the police authority
- Cheshire Fire & Rescue Service as the fire and rescue authority
- The Planning Authority (Cheshire East Council)
- Environmental Health Service (Cheshire East Council)
- A body designated in writing by the licensing authority to advise about the protection of children from harm
- Her Majesty's Revenue and Customs
- Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.

6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- The Environment Agency
- The British Waterways Board
- The Secretary of State acting through the Maritime and Coastguard Agency

6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

7 Interested Parties

7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or

- Has business interests that might be affected by the authorised activities, or
- Represents persons in either of the two groups above

7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:

- The size of the premises
- The nature of the premises
- The distance of the premises from the person making the representation
- The nature of the complainant
- The potential impact of the premises

7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:

- The size of the premises
- The catchment area of the premises, and
- Whether the person making the representation has business interests in the catchment area that might be affected

7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.

7.5 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

7.7 Representatives of interested parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.

7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has a prejudicial interest which would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.

7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

8 Premises Licences

- 8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.
- 8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.
- 8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- 8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.
- 8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known

high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.

- 8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.
- 8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way

- 8.14 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the Operating and Personal Licensing regime.
- 8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.
- 8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 8.20 The Act does not define the term 'vulnerable persons' but the Licensing Authority considers that this will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.

- 8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.
- 8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is taking steps to change the category of use of betting shops under planning legislation.

9 Adult Gaming Centres

- 9.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the premises.
- 9.2 Appropriate licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10 Betting Premises (other)

- 10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.
- 10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:
- the size of the premises
 - the number of counter positions available for person-to-person transactions
 - the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

11 Betting Tracks including other sporting venues

- 11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.
- 11.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.
- 11.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 11.4 Appropriate licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.
- 11.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account:
- the size of the premises
 - the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- 11.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are

made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

12 Bingo Premises

- 12.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.
- 12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised
 - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
 - at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- 12.3 The Licensing Authority will take account of any guidance issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises and appropriate conditions will be attached to the premises licence.

13 Casinos

- 13.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.
- 13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

14 (Licensed) Family Entertainment Centres

- 14.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 14.2 Appropriate licence conditions may cover issues such as:
- CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureau.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15 Licence Conditions

15.1 There are three types of conditions that can be attached to premises licences:

- Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
- Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- Conditions attached by the Licensing Authority

15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects

15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.

15.4 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs)
- conditions in relation to stakes, fees, winnings or prizes

15.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered.

15.6 Door supervisors employed in house at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best

practice for door supervisors working at casinos or bingo premises to have SIA training or similar. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

16 Primary Gambling Activity

16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult gaming centre premises (for category C and D machines)
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Buildings divided into more than one premises

17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.

- 17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for the premises
 - whether the premises are owned or operated by the same person
 - whether the premises are operated independently of each other

18 Separation of premises within a single building

- 18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

19 Access to premises

- 19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.
- 19.3 The Guidance at paragraph 7.25 states 'There is no definition of "direct access" in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.'

- 19.4 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

20 Provisional Statements

- 20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.
- 20.3 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.
- 20.4 A premises licence will be granted in the same terms as the provisional statement unless
- representations are received which address matters that could not have been addressed when the provisional statement was considered
 - there has been a change of circumstances
 - the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

21 Reviews of Licences

- 21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant code of practice issued by the Gambling Commission
 - any relevant guidance issued by the Gambling Commission
 - the Licensing Objectives
 - the Licensing Authority's Statement of Principles
- 21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:
- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence
 - are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
 - are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence
- 21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
- 21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- 21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

- 21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:
- if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
 - where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
 - if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder
- 21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

22 Permits

- 22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 22.2 The Licensing Authority is responsible for issuing the following permits:
- alcohol licensed premises gaming machine permits
 - club gaming permits and club machine permit
 - prize gaming permits
 - unlicensed family entertainment centre gaming machine permits
- 22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

23 (Alcohol) Licensed Premises Gaming Machine Permits

- 23.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:
- the requisite notice has been served on the Licensing Authority
 - the appropriate fee has been paid
 - any code of practice relating to the location and operation of gaming machines is complied with
- 23.2 The Licensing Authority can remove the automatic authorisation if:

- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming
- an offence under the Gambling Act has been committed on the premises

23.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

23.4 The Licensing Authority must take account of the Licensing Objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff that will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline, local Citizens Advice Bureau, and any other relevant and independent advice agencies.

23.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.

23.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

24 Club Gaming and Club Machines Permits

24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

24.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
- It must be permanent in nature
- It must not be established to make a commercial profit
- It must be controlled by its members equally

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

24.3 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years
- an objection has been lodged by the Gambling Commission or the Police

24.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

24.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

25 Prize Gaming Permits

25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

- 25.2 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the Licensing Objectives and must have regard to any guidance issued by the Gambling Commission.
- 25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day
 - the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
 - participation in the gaming must not entitle the player to take part in any other gambling
- 25.4 The Licensing Authority cannot attach any other conditions to this type of permit.
- 25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations
 - That the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm
- 25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.
- 26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.
- 26.3 In exercising its functions in respect of uFEC permits, the Licensing Authority need not, but may have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.
- 26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.

26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:

- Suspected truant school children on the premises
- Unsupervised young children on the premises
- Children causing problems on or around the premises

26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.

26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.

26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

27 Temporary Use Notices

27.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.

27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.

27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

27.4 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.

27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

27.6 In determining whether a place falls within the definition of a 'set of premises' the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

28 Occasional Use Notices

28.1 The Licensing Authority has little discretion but to accept occasional use notice at 'tracks'. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a 'track'. The applicant will also need to demonstrate that

they are responsible for the administration of the 'track' or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.

- 28.2 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 28.3 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

29 Travelling Fairs

- 29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30 Small Society Lotteries

- 30.1 The Licensing Authority is responsible for the registration of small society lotteries.
- 30.2 A society is a non-commercial organisation established and conducted:
- for charitable purposes
 - for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity

- for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes

30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.

30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.

30.5 An application may be refused on the following grounds:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
- The applicant is not a non-commercial society
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is found to be false or misleading

30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.

30.7 The limits placed on small society lotteries are as follows:

- At least 20% of the lottery proceeds must be applied to the purposes of the society
- No single prize may be worth more than £25,000
- Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000
- Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed

30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:

- The arrangements for the lottery
- The total proceeds of the lottery
- The amounts deducted for prizes
- The amounts deducted for expenses
- The amount applied to the purposes of the society
- Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

31 Exchange of Information

31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes

a provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

32 Enforcement

32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
- Accountable: able to justify its decisions, and be subject to public scrutiny
- Consistent: implementing rules and standards fairly in a joined-up way
- Transparent: open, and keep conditions placed on premises licences simple and user friendly
- Targeted: focusing on the problems, and aiming to minimise the side effects

32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

32.3 The Licensing Authority will comply with its own enforcement policies which will be available on request.

33 Scheme of Delegation

33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

33.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix 5 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

34 Definitions of Gambling Activities

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The

holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

'An arrangement' whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming ie games in which players stake against a 'bank'.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a "bank". It is immaterial how the 'bank' is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the

organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize

Gaming machines – Categories

The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

Gaming Machines by Premises Type

The table at appendix 3 sets out the different automatic entitlements at each type of premises.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

Licensed Family Entertainment Centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence

Premises Licence

A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Track

A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

35 Glossary of Terms

Act:	The Gambling Act 2005
Adult:	Means an individual who is not a child or young person
Applications:	Applications for licences and permits as defined separately in this Policy and the Guidance.
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Child and Young Person:	The Act includes the definition of a child at S.45 as: Meaning of “child” and “young person” (1) In this Act “child” means an individual who is less than 16 years

old

(2) In the Act “young person” means an individual who is not a child but who is less than 18 years old.

Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	Cheshire East Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
GamCare:	GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997.
Guidance:	The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.
Interested Party:	Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person: (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities, (b) has business interests that might be affected by the authorised activities (c) represents persons in either of these groups. Interested parties can also be a councillor or an MP
Licensing Authority:	Cheshire East Council
Licensing Objectives:	The Act contains three licensing objectives which underpin the functions that the licensing authorities will perform 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime 2. Ensuring that gambling is conducted in a fair and open way 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
NatCen:	National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of the Gambling Commission

Notifications:	Means notification of temporary or occasional use notices
Premises:	Any place, including a vehicle, vessel or moveable structure
Regulations:	Regulations made under the Gambling Act 2005
Representations:	In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.
Responsible Authority:	<p>Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.</p> <p>Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.</p> <p>They are:</p> <ul style="list-style-type: none">(a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated(b) the Gambling Commission(c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated(d) the fire and rescue authority for the same area(e) (i) in England and Wales, the local planning authority, or(ii) in Scotland, the planning authority(f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005(g) an authority which has functions in relation to pollution to the environment or harm to human health(h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm(i) HM Revenue & Customs(j) any other person prescribed in regulations by the Secretary of State.

Cheshire East – Area Profile (spring 2015)

Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile will therefore concentrate on the measures that can contribute to gambling and problem gambling.



People

Cheshire East has an estimated population of 372,700¹, the population density is 3.2 residents per hectare², making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years³. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

¹ 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright

² 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright

³ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population is expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)⁴. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

Figure 1: Proportion of residents by broad age groups – change over 20 years⁵



Economy

Cheshire East contains 5.1% of the North West region's working-age residents⁶, but accounts for an even greater share (5.7%) of the region's employees⁷. In terms of economic output, its contribution is much greater still, at 6.9%⁸.

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages⁹. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit¹⁰, ranging from 1.4% in

⁴ 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁶ 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright

⁷ 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright

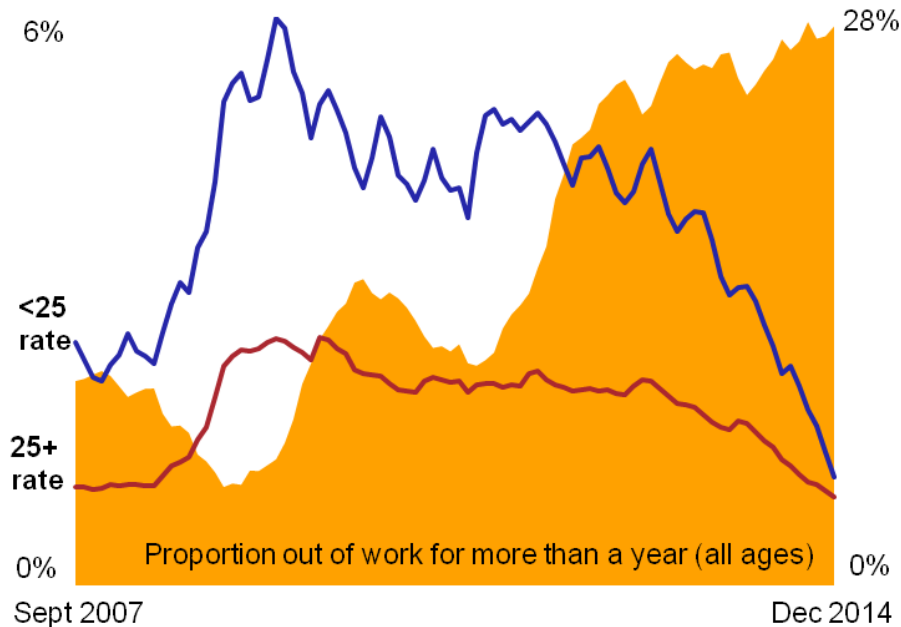
⁸ Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics

⁹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹⁰ Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Coppenhall, Crewe.

Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year¹¹



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)¹². However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)¹³ which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population¹⁴. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such as demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

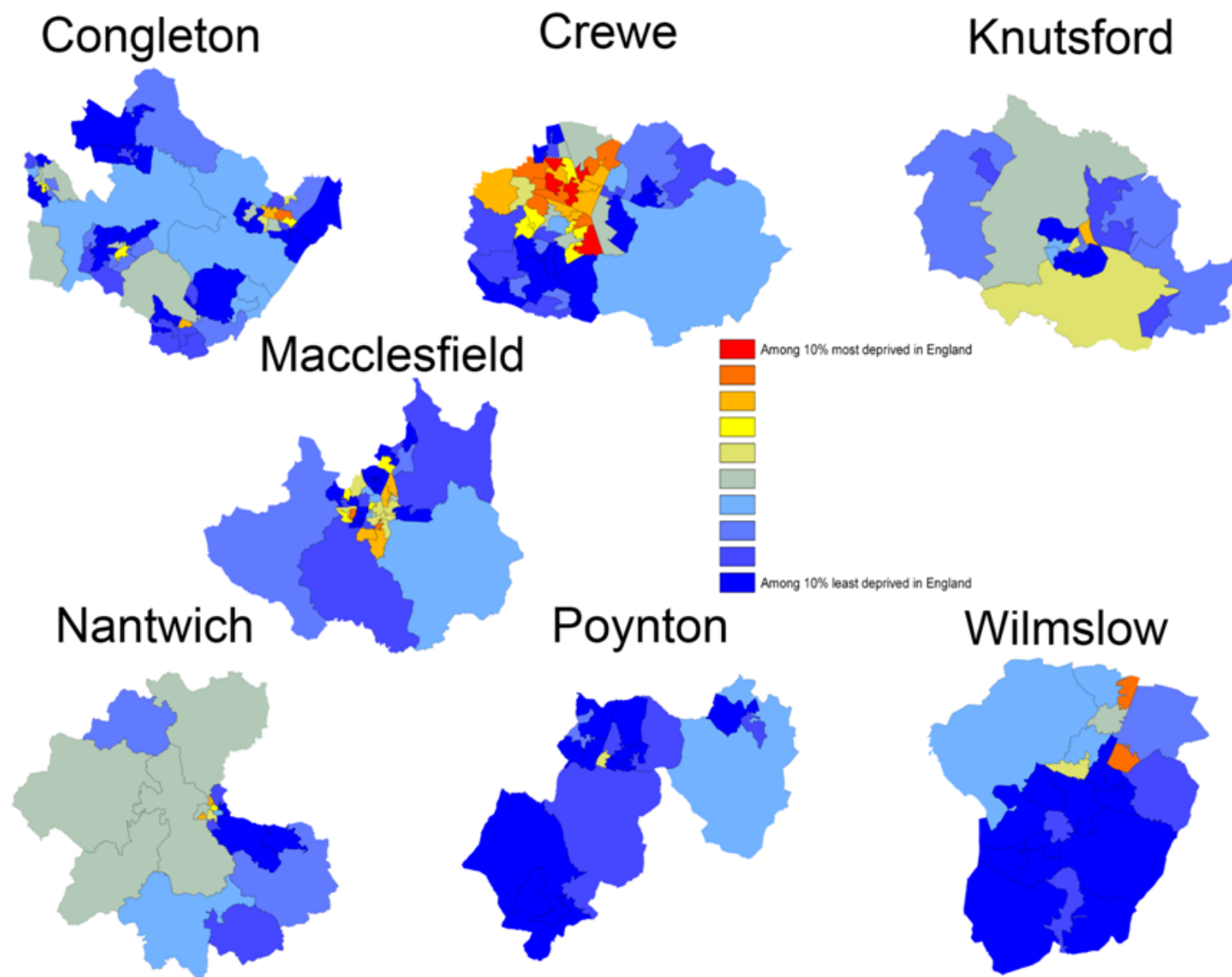
¹¹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹² 2013/14 Paycheck, CACI Ltd. Figures are median values

¹³ Lower Super Output Areas

¹⁴ Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010



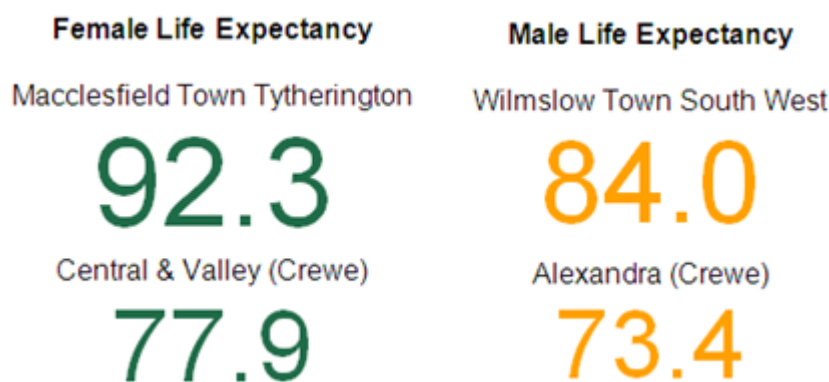
Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001¹⁵. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'¹⁶.

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally¹⁷. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington¹⁸. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

Figure 4: Male and Female Life Expectancy at birth¹⁹



Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas²⁰.

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

¹⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

¹⁶ Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team

¹⁷ Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England

¹⁸ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

¹⁹ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

²⁰ 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)²¹. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

Prevalence of Licensed Gambling Premises

There are a total of 58 licensed gambling premises in Cheshire East, broken down into the following categories:

Town	Type	Number
Betchton	Adult Gaming Centre	2
Crewe	Adult Gaming Centre	3
Knutsford	Adult Gaming Centre	2
Macclesfield	Adult Gaming Centre	4
Total		11

Town	Type	Number
Alderley Edge	Betting Shop	1
Congleton	Betting Shop	4
Crewe	Betting Shop	17
Handforth	Betting Shop	1
Holmes Chapel	Betting Shop	1
Knutsford	Betting Shop	1
Macclesfield	Betting Shop	8
Middlewich	Betting Shop	2
Nantwich	Betting Shop	2
Poynton	Betting Shop	1
Sandbach	Betting Shop	3
Wilmslow	Betting Shop	4
Total		45

Town	Type	Number
Crewe	Bingo	1
Nantwich	Bingo	1
Total		2

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

²¹ Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 33,543 and 18,635.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK. Cheshire East's licences equate to 0.43% of this total.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs. Compared to our neighbours Cheshire East has fewer licensed gambling premises per head of population:

Local Authority	Population	Number of Premises	Number PH
Cheshire East	372,700	58	0.00016
Cheshire West and Chester	331,000	79	0.00024
Stoke City	250,200	55	0.00022
Manchester	514,400	154	0.00029
Trafford	230,200	43	0.00019
Stockport	285,000	54	0.00019

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited - No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30P	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10P	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10P	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20P	£20 (of which no more than £10 may be a money prize)

Summary of machine provisions by premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D. ** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit	Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participate on fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

COUNCIL MEETING – 17TH DECEMBER 2015**Extract from the Minutes of the Cabinet meeting on 10th November 2015****63 2015/16 MID-YEAR REVIEW OF PERFORMANCE**

Cabinet considered a report on the Council's financial and non-financial performance at the mid-year stage of 2015/16. The report highlighted the latest progress towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016.

The mid-year review showed how the Council was continuing to build on the positions achieved in the last two years, which demonstrated that the overall financial health, performance, resilience and value for money at Cheshire East Council was strong despite taking £70m out of its cost base since 2011 and freezing Council Tax for the fifth consecutive year. Savings had been consistently achieved through efficiency, reductions in management costs, and a planned programme of asset disposals. This approach had protected funding provided to front line services.

Following the mid-year review, the Council's reserves strategy remained effective, with a modest overspend of £0.5m being forecast.

Annex 1 to the report set out further details of how the Council was performing in 2015/16 and was structured into three sections:

1. Summary of Council Performance
2. Financial Stability
3. Workforce Development

RESOLVED

That

1. Cabinet notes the mid-year review of 2015/16 performance in relation to the following issues:
 - the summary of performance against the Council's 5 Residents First Outcomes (Section 1);
 - the projected service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's reserves position (Section 2);
 - the delivery of the overall capital programme (Section 2, paragraphs 196 to 208 and Appendix 4);
 - fully funded supplementary capital estimates and virements up to £250,000 approved in accordance with Finance Procedure Rules (Appendix 5);
 - changes to Capital Budgets made in accordance with the Finance Procedure Rules (Appendix 8);

- treasury management investments and performance (Appendix 9);
- management of invoiced debt (Appendix 11);
- use of earmarked reserves (Appendix 12);
- update on workforce development and staffing (Section 3).

2. Cabinet approves

- fully funded supplementary capital estimates and virements above £250,000 in accordance with Finance Procedure Rules (Appendix 6);
- supplementary revenue estimates to be funded by additional specific grant (Appendix 10).

(The following recommendation from Cabinet is for Council to determine)

3. Cabinet recommends that Council approve:

- **fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (Appendix 7).**

CHESHIRE EAST COUNCIL

CABINET

Date of Meeting:	10 November 2015
Report of:	Chief Operating Officer (Section 151 Officer)
Subject/Title:	2015/16 Mid Year Review of Performance
Portfolio Holder:	Cllr Peter Groves, Cllr Paul Findlow

1. Report Summary

- 1.1. This report sets out the Council's financial and non financial performance at the mid year stage of 2015/16 and highlights the latest progress towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016. Permanent savings of £5m in management costs have been achieved from 2013/14 to 2014/15.
- 1.2. The mid year review shows how the Council is continuing to build on the positions achieved in the last two years, which demonstrate that the overall financial health, performance, resilience and value for money at Cheshire East Council is strong despite taking £70m out of its cost base since 2011, and freezing Council Tax for the fifth consecutive year. Savings have been consistently achieved through efficiency, removing any duplication of effort, making reductions in management costs, and a planned programme of asset disposals. This approach has protected funding provided to front line services. The Council's strong financial position reflects its enhanced governance, innovative delivery arrangements and effective stewardship of public money.
- 1.3. Following the mid year review the Council's reserves strategy remains effective, with a modest overspend of £0.5m being forecast. This represents a variance of only 0.2% against the net budget of £246.6m. This is the nearest forecast position to budget ever reported for the Council at this stage in the financial year, and as in previous years work is underway to achieve a balanced position by the end of the financial year.
- 1.4. Cheshire East is the third largest Council in the Northwest of England, responsible for over 500 services, supporting over 370,000 local people. Gross annual spending is over £750m, with a balanced net budget for 2015/16 of £246.6m. The complexity of customer demands and the size of the organisation make it very important to manage performance and control expenditure to ensure the best outcomes for residents and businesses. The Council's response to these issues has seen the development of Alternative Service Delivery Vehicles since 2013. In Quarter Two, examples of good performance were:
 - Launching the 'Report it Track it' tool for the public to report highway faults

- Being named the best county in the country in which to set up a rural business
- Having the lowest number of young people not in education, employment or training in the North West

1.5. The attached report, **Annex 1**, sets out further details of how the Council is performing in 2015/16. It is structured into three sections:

Section 1 Summary of Council Performance - brings together the positive impact that service performance and financial performance have had on the 5 Residents First Outcomes in the first half of the year.

Section 2 Financial Stability - provides an update on the Council's overall financial position. It demonstrates how spending in 2015/16 has been funded, including the positions on overall service budgets, grants, council tax and business rates, treasury management, centrally held budgets and the management of the Council's reserves.

Section 3 Workforce Development - provides a summary of the key issues relating to the Council's workforce development plan.

2. Recommendation

2.1 Cabinet is asked to consider and comment on the mid year review of 2015/16 performance, in relation to the following issues:

- the summary of performance against the Council's 5 Residents First Outcomes (**Section 1**);
- the projected service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's reserves position (**Section 2**);
- the delivery of the overall capital programme (**Section 2, paragraphs 196 to 208 and Appendix 4**);
- fully funded supplementary capital estimates and virements up to £250,000 approved in accordance with Finance Procedure Rules (**Appendix 5**);
- changes to Capital Budgets made in accordance with the Finance Procedure Rules (**Appendix 8**);
- treasury management investments and performance (**Appendix 9**);
- management of invoiced debt (**Appendix 11**);
- use of earmarked reserves (**Appendix 12**);
- update on workforce development and staffing (**Section 3**).

2.2 Cabinet is asked to approve:

- fully funded supplementary capital estimates and virements above £250,000 in accordance with Finance Procedure Rules (**Appendix 6**);

- supplementary revenue estimates to be funded by additional specific grant (**Appendix 10**).

2.3 Cabinet is asked to recommend that Council approve:

- fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (**Appendix 7**).

3. Other Options Considered

3.1. None.

4. Reasons for Recommendation

4.1. The overall process for managing the Council's budget, promoting value for money and complying with its Finance Procedure Rules, ensures that any changes that become necessary during the year are properly authorised. This report sets out those areas where any further approvals are now required.

5. Background/Chronology

5.1. The Council's quarterly reporting structure provides forecasts of a potential year-end outturn. The forecasts in this report highlight achievements against outcomes and provide an indication of potential risks at this stage of the year.

5.2. At the mid year stage, the Council's reserves strategy remains effective with a modest forecast overspend of £0.5m (0.2%) against a budget of £246.6m. Portfolio Holders and the Management Group Board continue to focus on managing this position to avoid any impact on the Council's general reserves at year end.

6. Wards Affected and Local Ward Members

6.1. All

7. Implications of Recommendation

7.1. Policy Implications

7.1.1. Performance management supports delivery of all Council policies. The projected outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2016/19 medium term financial strategy.

7.2. Legal Implications

7.2.1. The legal implications surrounding the process of setting the 2013 to 2016 medium term financial strategy were dealt with in the reports relating to that process. The purpose of this paper is to provide progress report at the mid 2015/16 stage. That is done as a matter of prudential good practice, notwithstanding the abolition of centrally imposed reporting requirements under the former National Indicator Set.

7.2.2. The only implications arising directly from this report relate to the internal processes of approving supplementary capital estimates and virements referred to above which are correctly dealt with through the Finance Procedure Rules as discussed.

7.2.3. There may well be legal implications that arise when activities funded from the budgets that this report deals with are undertaken, but those implications will be dealt with in the individual reports to Members or Officer Decision Records that relate.

7.3. Financial Implications

7.3.1. The Council's financial resources are aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively and that business planning and financial decision making are made in the right context of performance – to achieve better outcomes from an appropriate cost base.

7.4. Equality Implications

7.4.1. This report is a backward look at Council activities in Quarter 2 and predicts the year end position. Any equality implications that arise when activities funded from the budgets that this report deals will be dealt with in the individual reports to Members or Officer Decision Records that relate.

7.5. Rural Community Implications

7.5.1. The report provides details of service provision across the borough.

7.6. Human Resources Implications

7.6.1. This report is a backward look at Council activities in Quarter 2 and predicts the year end position. Any HR implications that arise when activities funded from the budgets that this report deals will be dealt with

in the individual reports to Members or Officer Decision Records that relate.

7.7. Public Health Implications

7.7.1. This report is a backward look at Council activities in Quarter 2 and predicts the year end position. Any public health implications that arise when activities funded from the budgets that this report deals will be dealt with in the individual reports to Members or Officer Decision Records that relate.

7.8. Other Implications (Please Specify)

7.8.1. None

8. Risk Management

- 8.1. Performance and risk management are part of the management processes of the Authority. Risks are captured both in terms of the risk of underperforming and risks to the Council in not delivering its objectives for its residents, businesses, partners and other stakeholders. Risks identified in this report will be used to inform the Corporate Risk Register.
- 8.2. 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 2015/16 budget - and the level of general reserves – have been factored into the 2015/16 financial scenario, budget and reserves strategy.

9. Contact Information

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Mid Year Review of Performance 2015/16

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November 2015



This report receives scrutiny and approval from Members of Cheshire East Council. As a public report, anyone can provide feedback to the information contained here.

Anyone wanting to comment can contact the Council at:

shapingourservices@cheshireeast.gov.uk



Introduction

Overall performance, financial health and resilience of Cheshire East Council is strong. It is the third largest Council in the Northwest of England, supporting over 370,000 local people with annual spending of over £750m. The Council continues to strive for further improvements, putting residents first in the provision of over 500 services delivering more for less.

A commitment across the public sector to contribute to reducing the high levels of national debt has meant local government is going through a period of unprecedented change and financial challenge. Cheshire East Council's response continues to be based on innovation and creativity. The Council continues to be relentless in its pursuit of greater efficiency and productivity, and minimising bureaucracy to enable it to deliver a high level of sustainable, quality services for a lower overall cost.

Our commissioning intentions to develop better ways to achieve the Council's five stated outcomes by using a mix of delivery mechanisms is continuing to gain momentum. The Council's philosophy is about much more than simply reducing costs through arranging cheaper provision or about traditional outsourcing. In 2013/14 the Council completed significant reviews of management structures to divert spending to front line services.

At Mid Year, the Council's reserves strategy remains effective, with a modest forecast overspend of £0.5m (0.2%) against a budget of £246.6m. This is the nearest forecast position to budget ever reported for the Council at this stage in the financial year.

To support openness and transparency the report has three main sections, to provide background and context, and then twelve supporting appendices with detailed information about allocation and management of public money during 2015/16:

Section 1 provides a summary of Council performance and brings together service achievement highlights against the 5 Residents First Outcomes in the Council's three year plan.

Section 2 provides information on the overall financial stability and resilience of the Council. It demonstrates how spending in 2015/16 is being funded, including the positions on overall service budgets, grants, 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 issues relating to the Council's workforce development plan.

- **Appendix 1** shows the Three Year Council Plan.
- **Appendix 2** explains Budget changes since First Quarter Review.
- **Appendix 3** shows the latest position for Corporate Grants.
- **Appendix 4** shows the revised Capital Programme expenditure.
- **Appendix 5** lists approved Supplementary Capital Estimates and Virements up to £250,000.
- **Appendix 6** lists requests for Supplementary Capital Estimates and Virements over £250,000 for Cabinet approval.
- **Appendix 7** lists requests for Supplementary Capital Estimates and Virements over £1,000,000 for Council approval.
- **Appendix 8** lists Capital Budget reductions.
- **Appendix 9** provides details of Treasury Management investments.
- **Appendix 10** lists requests for allocation of additional Grant funding.
- **Appendix 11** analyses the position on Outstanding Debt.
- **Appendix 12** lists details of Earmarked Reserves.

Peter Bates CPFA CIPD MBA

Chief Operating Officer (Section 151 Officer)

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2015/16 Outturn Forecast at Mid Year Review – Financial Position

2015/16 Mid Year Review (GROSS Revenue Budget £611.0m)	Revised Budget (NET) £m	Emerging Pressures £m	Remedial Actions Identified to Date £m	Current Forecast Over / (Underspend) £m	For further information please see the following sections
Children & Families	43.4	1.9	-1.5	0.4	Section 1 - Paragraphs 108 - 111
Adult Social Care & Independent Living	95.3	7.3	-6.5	0.8	Section 1 - Paragraphs 139 - 141
Public Health	0.0	0.0	0.0	0.0	Section 1 - Paragraphs 152 - 153
Economic Growth & Prosperity	6.2	0.0	0.0	0.0	Section 1 - Paragraphs 54, 83-85, 114
Chief Operating Officer:					
Commissioning Services:					
Building Control etc	1.7	0.0	0.0	0.0	
Environmental (incl Bereavement)	27.4	0.5	-0.3	0.2	Section 1 - Paragraphs 124 - 126
Highways	11.2	0.0	0.0	0.0	Section 1 - Paragraphs 73 - 75
Leisure	2.1	0.0	0.0	0.0	Section 1 - Paragraph 142
Transport	14.6	0.3	0.0	0.3	Section 1 - Paragraphs 70 - 72
Communities	9.2	0.8	-0.6	0.2	Section 1 - Paragraphs 39 - 43
Other (e.g Finance, ICT, Legal, Facilities)	39.2	-1.4	0.0	-1.4	Section 1 - Paragraphs 164 - 165
Total Services Net Budget	250.3	9.4	-8.9	0.5	
CENTRAL BUDGETS					
Specific Grants	-18.9	0.0		0.0	Section 2 - Paragraphs 172 - 175
Capital Financing	14.0	0.0		0.0	Section 2 - Paragraphs 209 - 217
Transfer to Earmarked Reserve	0.2	0.0		0.0	Section 2 - Paragraph 229
Corporate Contributions	1.0	0.0		0.0	Section 2 - Paragraph 218
Total Central Budgets	-3.7	0.0	0.0	0.0	
TOTAL NET BUDGET	246.6	9.4	-8.9	0.5	
	Planned Contribution	Forecast Variance	Impact on reserves		
	2015/16	Quarter 2	Quarter 2 Forecast		
	£m	£m	£m		
Impact on Reserves	-2.2 *	-0.5	-2.7		
*Increased from £1.7m by in-year transfers to earmarked reserves					
General Reserves Balance	2015/16 Budget		Quarter 2 Forecast		
	(estimated) £m		£m		
Opening Balance April 2015	14.2	Actual	14.7		
2015/16 Impact on Reserves (see above)	-1.7	Forecast	-2.7		Section 2 - Paragraphs 223 - 228
Closing Balance March 2016	12.5	Forecast	12.0		

Overview of Performance ~ Putting Residents First

ACHIEVING THE COUNCIL'S FIVE OUTCOMES

Cheshire East Council provides more than 500 services, supporting over 370,000 residents, and over 17,500 businesses.

Cheshire East has again been recognised as the Best Place to Live in the Northwest

1 ~ Our local communities are strong and supportive

- Working with the community and multi-agency groups following the July explosion in Bosley
- Presenting to 25 schools and 796 children on the importance of doorstep safety
- Working with partners to significantly reduce incidences of antisocial behaviour at a number of locations
- Re-opening Nantwich and Poynton libraries following refurbishment work to improve their role as community hubs
- Awarding a total of £77,661 in Community Grants to 61 organisations
- Launching the 'Report it Track it' tool, allowing the public to report highway faults and track what the Council is doing to respond

2 ~ Cheshire East has a strong and resilient economy

- Being named the best county in the country to set up a rural business
- Increasing the number of apprenticeship starts
- Reducing highway insurance claims by 67%
- Launching Phase 2 of the Connecting Cheshire project with an aim of achieving 98% fibre broadband by the end of 2017
- Completing the Superfast Business programme early, providing support to a total of 935 businesses
- Making strong progress on major highway and transport infrastructure schemes, and developing an ambitious pipeline of future schemes

3 ~ People have the life skills and education they need in order to thrive

- Maintaining a significantly high number of schools judged as good or outstanding; 93.5% of primaries, 90% of secondaries and 100% of special schools
- Achieving a provisional A-Level results pass rate of 99%, above the national average of 98%
- Further reducing number of NEETs; best in the North West at 2.8%
- Responding to residents' feedback regarding the Local Offer for those with special educational needs and disabilities
- Working with providers to develop supported internship programmes designed to lead to employment for young people with special educational needs

4 ~ Cheshire East is a green and sustainable place

- Retaining consistently high recycling figures
- Working with the charitable sector and household waste recycling centres to reuse around 100 tonnes of materials per month
- Commencing the LED upgrade to 9,000 high wattage traffic route lanterns, for completion in early 2016
- Obtaining 7 Green Flag Awards

5 ~ People live well and for longer

- Managing a 4-week unannounced inspection of Children's Services
- Preparing a mental health paper outlining business cases for projects aiming to improve emotional health and wellbeing
- Improving public satisfaction with countryside events to 98%
- Progressing Public Health Transformation Fund projects
- Continuing strategies to ensure recruitment of local foster carers

FINANCIAL STABILITY

Cheshire East Council is achieving outcomes based on sound financial management. In 2015/16 the Council will operate on an annual budget of more than £750m.

- At **Quarter 2** a potential **overspend of just £0.5m** is being reported compared to budget.
- The **potential** overspend represents only 0.2% of the Council's **net revenue budget of £246.6m**. This is the nearest forecast to budget ever reported for the Council at the Mid Year stage, and forecasts have tended to be reduced as the year progresses from robust management action to mitigate the pressures before year end.
- **Service Budgets** – a forecast overspend of £0.5m is reported.
- **Central Budgets** – are currently forecast to be balanced at year end.
- The Council is among the top third of Unitary Councils in terms of **Council Tax collection**. Over 99% of Council Tax and Business Rates are collected within three years.
- **Council Tax has been frozen** for the fifth consecutive year in 2015/16.
- **Investment income** is £179,000 higher than budget at Quarter 2. The average rate earned on investments (1.01%) is higher than the London Inter Bank 3 month rate.
- **General Reserves** - the robust reserves strategy assesses risk at the beginning of the year, and protects the Council against potential overspending. At this stage in the year, the potential overspend of £0.5m is less than the original forecast risks. Further mitigation of the forecast overspend is expected to be achieved.
- At the Mid year review stage the Council is forecasting **Capital Budget** expenditure of £139.3m in 2015/16, which is a decrease of £15.3m from the First Quarter Review following a review of in-year forecasts.
- For monitoring purposes, **the in-year capital budget** for schemes committed or in progress is £96.1m, against which an underspend of £4.5m is currently forecast. Again the Council has forecast that there will be no requirement for additional external borrowing this financial year.
- Outstanding **Debt** (excluding local taxation) is £10.1m. Debt over 6 months old is £2.4m (around 4% of total debt raised annually) and this is covered by provisions to meet potential write-offs.

1. Summary of Council Performance

Introduction

1. Cheshire East Council is responsible for delivering more than 500 local public services across an area of over 1,100km² for over 370,000 residents. The budget to deliver these services in the period April 2015 to March 2016 is over £750m, which is raised from a combination of local taxes, national taxes (in the form of Government Grants) and payments direct from service users. In terms of spending power per head, Government figures highlight the impact of different levels and sources of funding on total Council spending:

Spending Power per Head Comparisons 2015/16

	Cheshire East £	Rural East Riding of York £	Urban Liverpool £
Grants	335	391	838
Council Tax	453	387	252
Total	788	778	1,090

2. The Council's Three Year plan, which was agreed by Council on 28th February 2013, has five Residents First Outcomes that will focus service delivery in the medium term (see **Appendix 1**). This section of the report highlights progress towards achieving each of the five outcomes, in addition to inward-facing work undertaken during 2015/16 to support the delivery of a responsible, effective and efficient organisation.

3. This report reflects activity that has taken place mostly in the period July 2015 to September 2015 including progress against the Council's change programme. Commentary is also provided on the financial impacts (both revenue and capital) of this activity.

1 ~ Our local communities are strong and supportive

Mutual Respect & Personal Responsibility

4. Work in Cheshire East has been completed to launch a 'Divert' scheme targeting out of court disposals with the aim of further reducing the number of first time entrants (FTE) to the youth justice system. This will involve:
 - Police notifying the Youth Engagement Service (YES) of all young people who are eligible for an out of court disposal
 - YES Prevention Team will assess each young person within ten days and make an outcome recommendation to the police
 - Dependant on the identified needs/outcome, then the Prevention Team, Youth Offending Team or a partner agency may deliver an intervention

All of this will be done within the relevant national standard and timescales and cases will be tracked against these.

5. The CCTV team dealt with an average 18 drug-related incidents giving Police the necessary information to be able to pursue the offenders, resulting in arrests and convictions. CCTV has proved instrumental in both drug crime prevention and detection. An example of success is recent work around the underpass at the foot of Brunswick Hill in Macclesfield to improve the visibility in an area associated with drug related crime.
6. The Multi Agency Action Groups (North and South) have implemented multi-agency work which has resulted in, for example:
 - Significantly reduced levels of incidence of antisocial behaviour (ASB) at a number of locations such as Brunswick Hill and Jasmine Park in Macclesfield, West Street and the Town Centre in Crewe.
 - Joint work with Cheshire Probation to clean up alleyways in Crewe.
 - Provision of crime prevention advice to over 150 new students at the Freshers Fair at Reaseheath College.
 - Identification of four (so far) locations which are hotspots for legal high wrappers or nitrous oxide canisters and introduction of measures to prevent the issue and warn of their dangers.
 - Implementation of Operation Shield involving 300 homes in Crewe West. This aimed at preventing and detecting domestic burglaries in identified burglary “hot-spots”.
 - Currently active Multi-Agency Action Group cases as at 30th September include 16 cases of ASB and/or environmental nuisance and nine involving vulnerable individuals impacting on their local communities.
7. Two Anti-Social Behaviour Orders (ASBOs) were converted into Criminal Behaviour Orders (CBOs) in Quarter 2, the first such conversions in Cheshire East.
8. We have actively promoted the banned use of sky lanterns at events that required a licence from the Council and on our own land. This will support our rural communities in particular as the lanterns pose a risk to livestock.
9. We are consulting on a range of new powers that have come into force to tackle ASB and legal highs. These include Public Space Protection Orders and issuing on-the-spot fines to individuals who breach an order.
10. As an Enforcing Council we want to bring relief to long-suffering neighbourhoods where residents have had to put up with car racing in car parks, open drug taking, loud music and intimidating behaviour by gangs. Five parts of the Borough have been identified in Poynton, Macclesfield, Crewe and Alsager to implement these new powers.
11. We have continued to successfully prosecute those that claim benefit that they are not entitled to. A recent case saw a benefit cheat face a bill for £15,000.
12. The Benefit Fraud team investigate Benefit fraud, Blue Badge fraud and work with colleagues from the Department for Work and Pensions (DWP) on other welfare benefit investigations. The team have increased the number of overpayments detected and offenders sanctioned in 2015/16, with 89 sanctions in the first half of the year compared with 143 in total in 2014/15.
13. Effective verification is in place when new claims are received but a lot of fraud and error arises due to claimants failing to report

changes in circumstances. The improved performance is the result of innovative and improved methods of enquiry, joint working with the Police targeting criminals across the Cheshire East area, and encouraging referrals from residents by publicising successful prosecutions in the local press to demonstrate that the Council does enforce and that allegations are acted upon. From December 2015 the Fraud Team will be transferring to the Department for Work and Pensions as part of the new Single Fraud Investigation Service.

14. In terms of parking enforcement, July exceeded the monthly deployed hour's target (95.2%). However, some vacancies in the team reduced the deployed hours figure below the target in August. The focus on keeping traffic moving safely and preventing dangerous and selfish parking continues.
15. Proactive work to move on unauthorised gypsy and traveller encampments continues and numbers of encampments have decreased from last year. Work is ongoing to create a transit site which will greatly help in ensuring that minimum disruption is caused to residents and businesses.
16. In July the licensing enforcement team took part in Operation Crossbow – a joint initiative with Cheshire Police and other enforcement agencies. Over 700 vehicles were stopped across Cheshire with a total of 23 arrests. Although not a high proportion of licensed vehicles were stopped, all of those that were demonstrated offences and relevant action was taken. In a further focussed licensed vehicle stop at the end of the same month, 30 vehicles were stopped including several licensed outside of Cheshire East but operating under private hire work. A number of offences were identified with appropriate action and advice issued by officers.
17. The animal health team undertook an investigation into a local farm following an anonymous tip-off. Although anonymous complaints are not encouraged, in this case the information provided was so specific that officers felt investigation was necessary. Work involved the identification of an animal burial pit on site which is contrary to Animal By-Products legislation and also the falsification of records. The farmer had no choice but to organise for the removal and licensed disposal of the animal remains.
18. In response to Scams Awareness Month we issued a press release encouraging individuals who feel they have been subject to a scam to contact the service for help and advice. This has followed on from our direct work with vulnerable individuals within Cheshire East who have been identified as potential victims from national database information.
19. We obtained a £900 refund on behalf of a local consumer who had requested the option to cancel a contract but had been refused. Following officer involvement the money was duly refunded. A further £200 refund was gained for a local resident in relation to unsuccessful boiler repairs.
20. Officers from Regulatory Services and Health attended the Manchester Metropolitan University Freshers Fayre to provide advice and guidance to new students. Particular topic areas included taxi safety, food hygiene and pest control, counterfeit products (especially alcohol and tobacco) and also their responsibilities as new members of the community in terms of noise disturbance and respect for their new neighbours.
21. This year, 25 schools took part in the 'Knock Knock' campaign, aimed to inform children of the types of people that may come knocking at their door, the importance of doorstep safety

(including keeping doors and windows locked), making the necessary checks before opening the door, and what to do if they don't know who is calling. A total of 796 children received our presentation and we received 244 entries for our 'Knock Knock' poster campaign, with judging ongoing at the end of Quarter 2.

Communities

22. On Friday 17th July 2015 an explosion took place at Wood Treatment Limited in Bosley. The explosion and subsequent fire at the site resulted in a number of fatalities and casualties, and caused damage to property and infrastructure. This disaster has had a major impact on the local community both in Cheshire East and in the neighbouring county of Staffordshire and affected people living in other parts of the country.
23. Bosley is demonstrating a strong and resilient community in action. The response from the community was, and continues to be, incredible with many people impulsively running towards the explosion to help people, offering accommodation, food, jobs and much more to those affected.
24. Lots of local businesses including the Council, its alternative service delivery vehicles (ASDVs) including Ansa and Ringway Jacobs (who deliver our Highways contract) offered employment opportunities. Community fundraising efforts have now exceeded £167,000. There is a well-coordinated, ongoing multi-agency approach, which is developing a new method of recovery planning based upon a community impact assessment, clearly reflecting the needs of those affected and developing actions around these.
25. Cheshire East Reflects (CER) is launching the education programme and education element of the CER website. Schools' interest in the programme has been high with many visits planned to engage with

teachers and an INSET day planned too. Schools will be offered a programme of activities including the opportunity for pupils to gain an Arts Award. Support is being given to volunteers in Crewe who are staging a display of knitted poppies in Memorial Square in November.

26. Nantwich and Poynton libraries have re-opened following refurbishment work to improve their role as community hubs. The Citizens Advice Bureau and Department for Work and Pensions are now delivering their local community services from Nantwich Library. A new shared entrance for the Civic Hall and Library has been created at Poynton to enable more joined up delivery of community services. Visitor numbers at these libraries have increased compared with previous years as a result of the improved facilities and wider range of community services now available.
27. This year's Summer Reading Challenge in libraries was another record breaker, with 5,788 children starting the annual challenge. The children were challenged to visit their local library four times and to read six books. Over 60% of the children who started the challenge completed it and received a medal and certificate at a special ceremony where many Councillors and local VIPs helped them to celebrate their achievement. The summer began with library staff recruiting 80 volunteers to assist with the scheme. Importantly the scheme helped to reach children who were not already members of their local library, with 300 children given their first library card when they signed up to the challenge.
28. The range of activities provided from community venues across the Borough continue to develop as part of our community hub network. Examples include:

- Four new IT and Chat groups formed within the rural communities – Worleston Village Hall, Elworth Methodist Community Church, Church Minshall Ladies Group, and Hankelow Village Hall;
 - Two of five to ten week IT tuition/workclubs delivered from the Light House Centre, Crewe;
 - Summer Street sports sessions delivered across Crewe for five weeks in ten locations;
 - BASE Brunch clubs delivered in three locations across Crewe;
 - Consultations undertaken regarding the development of rural hubs in Barbridge and Ravensmoor;
 - Community cafés launched in Barnies and What's On in North Street Centre, Crewe;
 - Coffee and Stop sessions (multi-agency) running at Wrenbury Primary School;
 - Let's Get Cooking course for people with disabilities running in Middlewich.
29. Mentoring Programmes have been extended, including Twista Connect Programmes and graduations at Eaton Bank High School Congleton and Sir William Stanier Academy, Crewe.
30. Community Training has included: 20 Volunteers Level 2 Food Hygiene; 12 Volunteers Level 1 Food Hygiene; 15 Volunteers Basic First Aid Course; and nine Volunteers Mental Health Awareness.
31. Wilmslow Town Partnership has recently been established with the ambition to bring additional investment into the town. The new partnership will be driven by a management team made up of local volunteers, together with a part-time project officer funded by Cheshire East Council. The partnership will canvass for projects to promote the economic, social, environmental and cultural health of the town and then source funds to bring selected projects into being.
32. The Council invested in a Sports Barn on Longridge Estate, Knutsford, and the summer sports programme attracted 85 young people.
33. Congleton Community Hub attracted over 170 residents to a consultation event resulting in implementation of an allotment project for the elderly on Bromley Farm estate.
34. A successful 'WREN' bid secured £48,000 to upgrade sports and recreation facilities in South Park, Macclesfield.
35. Community Hub development in Knutsford resulted in an increase in service use following the relocation of Citizens Advice Bureau services in the town supported by Cheshire East.
36. The community grant scheme has so far awarded a total of £77,500 to 61 organisations across two rounds. This has enabled £565,000 worth of projects to take place across the Borough. Through people attending clubs, activities, events and performances, the grant money has benefitted nearly 200,000 members of the community. The following organisations received a grant in this round:
- St Mary's Church, Nantwich - the church successfully applied for a community grant of £5,000 towards its £126,000 project to install new toilets and disabled access to provide better facilities for a wide range of local community users and visitors. The grant is conditional on securing funding for the total project costs.
 - Congleton Musical Theatre - the group successfully applied for a community grant of £1,000 towards the cost of sound and lighting for their production being rehearsed for an October performance. The majority of the costs are being

funded by ticket sales and there is also a contribution from Congleton Town Council;

- Macclesfield Academy Learning Community - the organisation successfully applied for a community grant of £1,000 to fund a summer school with the aim of reducing anti-social behaviour locally. The costs include music tutors and coach fees.

37. We know that community grants provide a lifeline for many local groups who simply wouldn't be able to survive, let alone thrive, without this support. We recognise the tremendous community work that can be unlocked and enabled by the provision of relatively small amounts of public money. It shows what good work can be achieved by the Council working closely with community groups and partners. Cheshire East recognises the valuable input that the voluntary and community sector brings to the quality of life in the community.
38. 590 volunteer days have been worked with the Countryside Rangers between 1st April and 30th September 2015, which is on track for the year against a target of 1,100 days. From mid-July to the end of September 2015 there have been 1,130 volunteer days worked across all sites at Tatton Park.
39. There is an overall budget pressure forecast for Communities of £0.2m which is an improvement on the position at First Quarter.
40. £0.1m of the pressure relates to 2015/16 business planning proposals for Pest Control and Trading Standards Investigations. These cannot be met fully in-year due to the one-off cost of redundancies and a delay in implementing the pest control proposal.

41. There is a further pressure of £0.1m on the costs of vehicle testing for taxi licensing. There is ongoing work during 2015/16 to overhaul the policy surrounding taxi licensing and to review the budgets in this area.
42. These pressures have been partially offset by other savings in Regulatory Services and Health and Consumer Protection, mainly due to delays in filling vacancies.
43. Pressures on car parking income of £0.1m continue mainly due to reduced levels of fines income. There is also an anticipated cost pressure of £0.1m resulting from unbudgeted gritting costs.

Civic Pride

44. Following delivery of local and national elections in May 2015, further work is being carried out in response to new legislation, which has introduced Individual Electoral Registration. This is the biggest change in electoral law and practice in a century, and it is hoped that this will result in increased public participation in elections.
45. Migration of the website cheshireeasthighways.org to the Cheshire East site, cheshireeast.gov.uk/highways, is complete with a significant update to the content. The changes reflect those areas where website hits were greatest, and the initial feedback has been very positive with increased visits.
46. As part of the Business Improvement Programme, the Highways team launched the 'Report it Track it' tool on 19th August. The tool allows the public to report highway faults and track what the Council is doing to respond to their issue. The tool is due to be further developed to include street lighting, and a media campaign has been developed to coincide with the upgrade.

47. A strong focus has been placed on the Highways Twitter account to make it more proactive and positive. We are now tweeting information regarding maintenance activities, improvement works and street lighting upgrades. We have also introduced our hashtag #workingforyou as one of our key messages. The effect is generating more public interest with 2,151 followers.

2 ~ Cheshire East has a strong and resilient economy

Business and Visitor Economy

48. Latest figures for the value of the visitor economy have been released and these show a £70m increase from 2013 to 2014. The new figure stands at £807m and is an increase of 48.3% on 2009 figures. Tourist days also increased by 5.2% on 2013 figures with 16.2m visitors now enjoying their visit to Cheshire East. These figures are obtained from the STEAM model (Scarborough Tourism Economic Analysis Model).
49. Consultants working with the Silk Heritage Trust are due to present their interim report in October. Work is ongoing with the Trust to consider future options for business development and future sustainability including consideration of the future of Paradise Mill in Macclesfield.
50. A public art scheme is being developed for Waters Green in Macclesfield. Artists will be appointed by the end of October with final art works due to be installed by the end of the calendar year.
51. Cheshire has been named the best county in the country to set up a rural business. The finding emerged from a new study by the Country Land and Business Association (CLA) – an organisation that represents farmers and rural businesses across the UK. The CLA scored each county on its ability to support rural businesses, such as the amount of broadband coverage available, planning policies and business support – and Cheshire came out top.
52. The Tatton Vision programme of investment is ongoing and will result in a continued increase in a sustainable income base. In Quarter two, work has been ongoing in the Stableyard retail and catering area, completion of the Tenants Hall refurbishment work as well as preparing a strategy to deal with Phase 2 of the Tatton Vision through consultants due to deliver a report by November 2015.
53. The bid to the Heritage Lottery Fund for second round funding of Tatton Dale farm's 'Field to Fork' project has now been submitted. A decision is due at the end of November 2015. If successful this three-year, £1.4m project will start early 2016, with the new proposition opening to the public in 2017.
54. Visitor Economy and Tatton Park are working towards a balanced budget, with any potential shortfall in car park income arising in 2015/16 being offset by the use of earmarked reserves.
55. Progress continues on securing the sustainable regeneration of Cheshire East's major town centres. Cabinet approved the draft Crewe Town Centre Regeneration Delivery Framework as the basis for consultation at their meeting in April, which sets out plans for the regeneration of a number of key sites across the town centre. Informed by the Regeneration Delivery Framework, the Council also completed on the acquisition of the Royal Arcade site and have received a number of Expressions of Interest from interested developers for the redevelopment of all or part of the Royal Arcade site to further support the regeneration of the town centre and will be seeking a development partner for all or part of the site in the near future. The Council also embarked on a major consultation with local residents and businesses seeking views on the future of

Crewe Town Centre. Six consultation events/meetings were held and two surveys were published for consultation using social media and the local newspaper as media partner and almost 1,200 responses were received which support the Vision and Objectives of the Regeneration Delivery Framework.

56. The Council also remains committed to regenerating Macclesfield to ensure it is an exciting and vibrant place, which celebrates its heritage and is an attractive place to shop, live, visit, work and do business. Key to this is working with local residents and businesses to achieve the right outcomes and the Council has set up the Macclesfield Town Vision Stakeholder Panel to consider views from a wide range of people and perspectives to help shape and influence the way forward for the town centre. A major town centre Council-owned site in Macclesfield is currently being marketed to attract a developer to deliver a flagship leisure-led development to boost footfall and revitalise the town centre. In addition, smarter shop fronts supported by the Council are boosting trade for dozens of Macclesfield businesses, and the Council is now planning to initiate Phase 2 of the successful Shop Front Improvement Scheme, to concentrate on Lower Mill Street and Park Green area properties, as part of a wider programme of public realm improvements that will be progressed across the town centre.

Workforce

57. With regards to apprenticeships, comparative data (SFA Datacube) for the same period (Quarter 2 - Nov through to Jan) for each of the academic years 2013/14 and 2014/15 show that:
- 16-18 year-old apprenticeship starts have increased from 530 to 579;

- 19-24 year-old apprenticeship starts have increased from 518 to 580; and
 - 25+ apprenticeship starts have increased from 278 to 531
- The significant increase in 25+ starts is likely to have been influenced by Cheshire & Warrington Local Enterprise Partnership's (C&WLEP) prioritising higher level skills.

58. Latest data for the period from January 2014 to December 2014 show the percentage of the resident population (16-64) with an NVQ3 and above in Cheshire East was 57.3% (NOMIS Labour market Profile).
59. Cheshire East Highways has successfully completed its apprentice recruitment for 2015; ten new apprentices commenced on 14th September, and are employed in a mixture of office-based and operational roles.

Infrastructure

60. The Council's additional £6.5m Highway Investment Programme for 2015/16 is underway and will see over 75km of roads improved across the borough. All schemes will be completed by the end of October 2015.
61. The positive news story on the reduction in highway insurance claims continues with only 116 claims submitted to date. This represents a 67% reduction on the same point in 2012/13 and a year-on-year reduction. Of those claims submitted, only £127 has been paid to date maintaining a 99% repudiation rate.
62. The £28.5m Connecting Cheshire project has already provided fibre broadband to more than 82,000 homes and businesses. This builds on BT's commercial investment so that 96 percent of Cheshire – around 400,000 premises – will have access to speeds of up to

80mbps by the end of 2015. A £6m phase two roll-out aims to increase this coverage to 98 per cent by end of 2017.

63. The Connecting Cheshire Partnership has won almost £90,000 from the government's Equalities Office towards a second phase project to help female entrepreneurs exploit Superfast broadband and digital technology. Building on the success of the Phase 1 project which saw over 300 female-led business benefit from support, the second phase will see Cheshire partner with the Greater Manchester Business Growth Hub to deliver an inspirational programme to support entrepreneurs and businesses via a range of free workshops, masterclasses, 1-2-1 support and e-learning. The project will run from this autumn through to March 2016.
64. The Superfast Business programme successfully completed delivery in June, having exceeded its target by 13% and providing 12 hours support to a total of 935 businesses. As a result of the programme, 416 businesses are targeted to experience improved Gross Value Added (GVA) performance, equating to a £19.5m GVA uplift, and 161 jobs are to be created or safeguarded. To date the programme has already directly contributed to growth in over 130 businesses, adding £8.8m to the local economy, and over 30 new jobs have been created.
65. Strong progress continues to be made on the Council's major transport schemes. The Strategic Highways Infrastructure Team continues to plan, develop and deliver major highway and transport infrastructure improvements, in conjunction with partner organisations.
66. Current Delivery Schemes include:
 - Poynton Relief Road - Work is now progressing to work up to a planning application which is on track to be submitted in

February 2016. The public consultation is now underway and will be taking place throughout October 2015. Exhibitions have been arranged for a number of dates throughout the month at various locations and times across the Poynton area.

- Congleton Link Road – Work has continued to be pushed in order for our planning application date of September 2015 to be met. The planning application was successfully made on the 30th September 2015.
- Sydney Road Bridge – Approval of the Development Service Agreement with Network Rail has now been agreed, which will firm up the delivery programme and scheme costs.
- Crewe Green Link Road - Problems around the bridge structure are now coming to a conclusion and works on site are taking place with the contractor still showing planned completion of December 2015.
- The A6 SEMMMS scheme is currently under construction with main works starting on the two bridge locations shortly and mainline works currently underway. The technical approvals process and detailed design checks are ongoing. There is a requirement to discharge Cheshire East Council planning conditions in Disley and Handforth, sketch designs are now complete in regards to this. These will require public consultation in early 2016.
- A500 J16 Pinch Point Scheme – This scheme has been implemented to alleviate congestion on the A500 at J16 of the M6 through the addition of a lane to make the section a dual carriageway. Works are now complete at J16 and work continues to close this project out and address final payments.
- Basford West Spine Road – Work is now complete on a new road to provide access to Basford East and West development areas. The new road was opened in July 2015 and housing developments have commenced.

- M6 junction improvements (Highways England scheme) – Work is now complete on improvements at Junction 17 to ease access to and from the motorway. Currently we are awaiting final safety audit alterations.
 - A556 Knutsford to Bowden (Highways England scheme) – This scheme allows for the construction of a new 4.5 mile dual carriageway between M6 junction 19 (near Knutsford) and the M56 junction 7 (near Bowdon). Construction started in November 2014, is progressing well and the scheme is due to complete in 2017.
 - Crewe Green Roundabout – Work has started with option studies currently underway. Crewe Green Roundabout is a five-arm signalised roundabout, forming a major confluence of roads to the east of Crewe. Peak period congestion is severe and traffic modelling shows the opening of Crewe Green Link Road (South) will add approximately 15% more traffic to the junction. A scheme has been developed to manage the revised traffic flows by remodelling the junction and the diversion of one arm of the roundabout.
 - Leighton West Spine Road - Due to the development of Leighton West, new infrastructure is required to enable the additional demands on the network to be handled. Therefore there is a need for the Leighton West Spine Road to be developed and built. Currently work is underway to assess the options around the proposed site.
 - Middlewich Eastern Bypass – Work is underway on the scheme. A route options report has been completed. Currently options are being developed specifically around the Midpoint 18 site.
 - King Street Public Realm Scheme (Knutsford) – Post public consultation any form of scheme surrounding King Street Public Realm is being considered as part of Knutsford Town Council's neighbourhood plan.
67. In addition to the major schemes currently being delivered, the Council is developing an ambitious pipeline of highway and transport infrastructure schemes for future delivery. The schemes under development include Crewe Bus Station, Congleton Public Realm Scheme, M6 Junction 16-19 SMART Motorway (Highways England scheme), and A500 Dualling.
 68. A decision on whether HS2 comes via Crewe is expected on or after 26th November 2015. A wider Growth partnership is being developed with neighbouring authorities and in the Council; plans are being developed to assess growth and regeneration changes linked to a Hub station in Crewe. A decision on HS2 coming to Crewe will increase work requirements across the Economic Growth and Prosperity directorate.
 69. Cheshire East have had input to the Cheshire and Warrington Sub Regional Transport Strategy (Phase 1) documents, beginning a refresh of the Cheshire East Local Transport Plan, as well as continuing the drafting of more detailed documents including a Cycling Strategy and Rail Strategy.
 70. The Transport commissioning service is currently reporting a potential budget pressure of £0.3m. This relates to pressures in a number of areas and additional funding requested by Transport Services Solutions Limited, the Council's wholly owned company.
 71. The pressures arise from non achievement of commissioner-led savings of £150,000 related to Available Walking Routes, and from increased demand in Special Education Needs (SEN) of £131,000.
 72. Following discussions between the S151 Officer, Transport commissioner and the company, it has been agreed that the Council will underwrite the pressures subject to progress during

the year (Available Walking Routes) and evidenced demand information (SEN), respectively.

73. The Highways service is reporting a balanced position against a £11.2m net budget. The Highways commissioning team continue to manage and monitor the Cheshire East Highways contract and no pressures are currently identified.
74. The recent Cabinet-approved decision to outsource the procurement of a replacement winter service fleet comes at a cost that can be part funded and part mitigated within the existing approved annual budget.
75. The accurate prediction of Winter Service costs is challenging due to the unpredictability of the conditions faced. The forthcoming Winter Service has been target costed based on average circumstances with a modest contingency to cover the possibility of worse than average conditions occurring. Highways and Finance will continually monitor expenditure in this area over the coming months to minimise the possibility of potential pressures developing.
76. The Strategic Infrastructure service area now incorporates two new strategic roles in respect of the Crewe High Growth business case. This will be offset by the provision of some external funding and an increase in the level of Section 38 income expected in 2015/16.

Inward Investment

77. Alderley Park Development Framework was approved by Cabinet in February following revisions as a result of a public consultation. The document will now be given material consideration in the planning process. A planning application for the site is anticipated in October 2015.

78. The Chancellor recently announced a £5m Medicine Technologies Catapult Centre for Alderley Park which will create a national centre of excellence for Research & Development and commercialisation of new therapies, based on the existing high quality facilities and activity on site.
79. The Business Engagement Service has met with 130 companies (against a target of 40) to support their growth and investment plans. The Service has identified growth opportunities with 23 of Cheshire East's top 100 accounts. Should all convert this would lead to the creation of over 994 new skilled jobs and a capital investment in plant, machinery and equipment of approximately £45m. A significant proportion is expected to contract before year end.
80. The Service also has an intensive programme of support with high growth Small and Medium-sized Enterprises (SMEs). To date the Service has helped secure £398,000 of grant funding. In addition, 39 companies have received referrals to high growth business support programmes to improve their productivity. The Service has also coordinated a series of events for small businesses to help companies understand the public sector procurement process and to improve access to finance for the digital and creative sector.
81. To date, the Inward Investment service has responded to 82 enquiries against a target of 200. The Service has supported the creation of 103 new jobs with a pipeline of investment opportunities that could lead to a further 300 new jobs. Recently a US-owned payment and processing company has committed to consolidating their back office functions in Cheshire East, which will lead to the creation of 25 new jobs.
82. The Service is responsible for increasing income generated from Business Rates through enabling development, and has secured an in principal offer of £3.2m for Cheshire Green Employment to

secure finance to fund the infrastructure phase of the development.

83. At First Quarter Review the Economic Growth and Prosperity Directorate were anticipating a broadly balanced Budget position at the year end which remains the position at Mid Year.
84. Within the Growth and Regeneration service area, additional Strategic Asset management and Asset disposals work is being undertaken this year. This will be part funded by the Investment & Sustainability reserve.
85. Within the Investment Service a number of vacancies within Strategic Housing & Business Engagement are anticipated to be filled this year. £250,000 of the Investment reserve has been earmarked for the Manchester Growth Fund – this is included in this service area for 2015/16 and is expected to be fully utilised by the year end.

Responsible Business

86. A food business operator was fined £1,100 for obstructing an officer undertaking an investigation under food hygiene offences.
87. The Licensing team have had two successful court cases where our decision to refuse to issue driver licences has been upheld in both the Magistrates Court and the Crown Court. In both cases we have been awarded costs.

3 ~ People have the life skills & education they need in order to thrive Securing the Best Start in Life

88. Persistent absenteeism in Cheshire East primary schools has fallen significantly since 2011 from 4.3% to 2.8% in 2015 and is better than the national figure. In secondary schools, persistent

absenteeism is 5.7%, which is also better than the national figure. Data from September 2015 will not be comparable to previous years as the government has changed the threshold from 85% to 90% as the indicator for persistent absenteeism. All schools have been informed of these changes.

89. The number of children achieving a good level of development at the Early Years Foundation Stage (EYFS) is 68.4% for the academic year 2014/15; an improvement of 6.4% on last year. In addition there has been an increase of 4.5% in the number of children eligible for free school meals achieving a good level of development. Of the 164 children who had received 2 year old funding, 69.6% achieved a good level of development.
90. The focus continues to be supporting children in areas with the highest deprivation to narrow the gap between their achievement and that of their peers. The achievement gap in relation to the lowest 20% and the rest has narrowed in all areas apart from free school meals eligible children (which has stayed the same). The overall figure is a reduction of 1.3%.
91. In the summer term 869 children accessed the two year old offer. This equates to 70% of eligible two year olds, compared with the national average of 63%. The higher than average take up in Cheshire East reflects the intensive support provided to parents and childcare providers.

Highest Achievements for All Learners

92. Cheshire East continues to have a significantly high number of schools judged as good or outstanding. In Quarter 2 this stood at 93.5% of primaries, 90% of secondaries and 100% of special schools. Work by the monitoring and intervention team has continued to focus on reducing the number of schools judged as

‘requiring improvement’ or ‘inadequate’. This continues to be at a three-year low, reducing from 15.4% of schools in October 2013, to 6.7% in July 2015. Cheshire East is currently third in the national league table of schools with the highest proportion of schools that are good or better.

93. Analysis of the pupils’ achievement and progress given by Key Stage 2 tests shows that in reading, writing and maths there has been a dip in the number of children achieving Level 4+ in all three subjects. From 84% in 2014 to 81% in 2015, however Cheshire East is still above the national figure.
94. Validated data for A-Level results are expected in January 2016. Provisional A-Level results indicate that the students achieved a pass rate of 99%, above the national average of 98%.
95. Around 10% of students in Cheshire East got an A* compared to 8% nationally. 28% of all students achieved grades A* to A and 57% achieved an A* to B grade. Both of these figures are an improvement on last year and above the national average. Based on average point scores per A-Level entry, the average Cheshire East student now achieves a high B grade, up from a high C grade last year.

Achieve Aspirations

96. Cheshire East continues to be the best in the North West for the lowest number of young people not in education, employment and training (NEET). This currently stands at 2.8% or 315 young people. Intensive support is provided for young people by the Youth Support Service through one-to-one or targeted, project based work. Cheshire East also has a very low number of young people whose destination is not known (currently 0.4% or 45 young people) - the best in the North West.

97. New projects currently being developed include a new multi-agency NEET project, and plans are in place to deliver tailored career advice for Cheshire East cared for young people.
98. A partnership between Cheshire East Youth Theatre, Total People and Lyceum Theatre has begun delivery of training sessions for young people at risk of becoming NEET. There are 15 young people currently signed up with more expected to join over the coming weeks.
99. Not Knowns (NCCIS): The number of young people who are not known continues to improve and the percentage of not knowns at the end of July 2015 was 0.4% (49 young people). This is a drop from the same period (July) in 2014 when the not known level was 1.3% (152 young people).
100. Figures from the Department for Education (DfE) show that 98.8% of Year 11 leavers in 2015 had an offer of education or training. This is an improvement on the same time last year when 97.9% of Year 11 leavers in 2014 had an offer.

Inclusion

101. In line with legislative requirements, feedback received from local residents during the period September 2014 to August 2015 regarding Cheshire East’s Local Offer for those with special educational needs and disabilities was published at the end of August, along with the Council’s responses. This can be viewed on the Council’s website at: <https://ice.cheshireeast.gov.uk/Information/LOComments>
102. In many areas, steps have already been taken to respond to feedback, for example, following engagement exercises with local parent/carers about our short break and respite offer, steps were

taken to improve the search function of the directory. Further information pages have also been added to the directory to describe how the Local Offer was co-produced by residents and professionals, along with more information to describe how residents and professionals can “tell us what they think”.

103. In order to reduce the reliance on ‘out of area’ provision, an ‘invest to save’ business case to expand the number of places at Cheshire East special schools is currently being developed.
104. The Council is working with a number of further education and training providers to develop supported internship programmes that are designed to lead to employment for our young people with complex SEN. This is part of a grant-funded DfE programme to develop supported employment. We are also working closely to ensure that cared for children and care leavers aged 16 to 18 are supported in education, employment and training.
105. Excluding individuals not available to the market place because of illness, disability or pregnancy/parenting, there are currently 39 care leavers who are not in education, employment and training. Council staff are working closely with these individuals. The ‘care to be different’ project was established in Quarter 2 and is focussing on 16 to 24 year old care leavers who are in poor health or struggling in education. The aim is to provide targeted and specialist support with individuals who can move on to the Cygnet Project if required. The Cygnet Project is currently supporting six individuals in work placements.
106. Based upon provisional data, 25% of cared for children that took their GCSE’s achieved five A* to C grades, including English and Maths. This is an increase on the performance in the previous year. In addition, three young people taking A-Levels all achieved the

grades they required to access their first choice university and course.

107. The analysis of disadvantaged gaps and overall five A*- C rates at the end of Key Stage 4 is currently being amended by schools and will be available in Quarter 3.
108. Children and Families is projecting an overspend of £0.4m. The department’s financial position in 2015/16 has been dominated by two main factors, firstly the numbers of Children in Care and secondly, the cost involved in delivering the improvement required by Ofsted.
109. In terms of Children in Care the budget for 2015/16 anticipated further reductions to this cohort (based on the reduction experienced during both 2013/14 and 2014/15) whereas the actual numbers being experienced tell a different story. Numbers have risen over the past twelve months by over 10% to their current level of 390. In addition, complexity has on occasion increased which directly correlates with the costs being incurred by the service. Nevertheless progress continues to be made towards alleviating the financial pressure created by an increase of this size by consistently seeking better value for money placements that both provide the necessary support for vulnerable children but also reducing cost on an individual by individual basis. Moves of this nature are inevitably resource intensive and time consuming and follow on from more intensive packages of care that are needed at the outset.
110. The department is now post Ofsted inspection reviewing all its commitments and is already paring down the level of additional temporary support that was put in place to deliver the requirements of the Improvement Plan.

111. The aim remains a balanced outturn by year end which will be a major achievement bearing in mind not only the above factors but also the level of budget reductions applied to the base this year. This in turn will create the financial stability in order to provide the further efficiencies required as part of the budget setting process for next year.

4 ~ Cheshire East is a green and sustainable place

Development Management

112. Civicance (the Council's wholly owned company providing professional services for Building Control, Structural Appraisal, Fire Risk Assessment, Local Land Charges, Address Management, Planning Support and Liaison) are still seeking to improve market share for Building Control under stiff competition from Approved Inspectors which is putting pressure on budgets. However, Land Charges continues to operate very strongly to balance shortfalls. Improvements are now coming forward from the support team with significant benefits on registration of applications and process changes for the Development Management service.
113. Planning application performance has remained strong with an emphasis being maintained on major applications. Challenging conditions remain with high numbers of appeals and applications, which have stretched resources. Additional resource should enable positive progress across all applications to be made over the coming period, while the introduction of a new Priority Application Team and new pre-application processes will strengthen the ability to deliver in a timely manner.
114. Strategic and Economic Planning Service continue to undertake significant additional work with respect to the Local Plan and the need to respond to an increase in the number of planning appeals.

Additional costs of £1m are expected to be incurred this year with respect to this activity, and are largely anticipated to be offset by use of the Planning reserve. This is due to the need to engage the services of a number of external consultants, particularly legal advisors, coupled with the requirement to increase staffing levels within the service.

Waste Management

115. **Reduce** – A waste prevention program is delivered through Ansa and their volunteers. Highlights include the Nantwich agricultural show, engaging with primary schools at the Junior Recycling Officer (JRO) final in Styal Mill, working with young students at primary college. Ansa and our waste reduction volunteers continue to promote home composting and 'love food hate waste' at events across the Borough supplying home compost bins through leaflets at events and our website.
116. **Reuse** – the amount of materials that we reuse continues to be around 100 tonnes per month working with the charitable sector and our household waste recycling centres.
117. **Recycle** – figures remain consistently high. An information campaign to all households in the authority is underway to ensure that we maintain clean, loose recycle within the silver bin.
118. **Disposal** – the Council has begun the process of reducing its reliance on landfill and continues to divert a third of its black bin waste to an energy from waste plant in Stoke-on-Trent. At present the remainder is disposed to landfill within Cheshire East. The Council is investing in the infrastructure through the Environmental Hub project to reduce the use of landfill from 2016/17.

119. The Environmental Hub project was granted planning permission at the September strategic planning board and will now move into the construction phase of the new facility.

Carbon Management

120. The 2,500 street lighting column replacement programme started in June, with all new columns being fitted with energy efficient LED lanterns. The LED upgrade to the 9,000 high wattage traffic route lanterns commenced in September and is expected to be completed by the end of February 2016.

Environmental Management

121. The Council has obtained seven Green Flag Awards (a scheme recognising and rewarding the very best green spaces) this year. Awards were announced in July 2015, and were achieved by Bollington Recreation Ground, Brereton Heath, Congleton Park, Sandbach Park, The Moor in Knutsford, Tatton Park and Tegg's Nose. In addition Tatton Park has been awarded Green Heritage accreditation. Satisfaction with Cheshire East Country Parks is currently at 93.4%.
122. The Cheshire East Contaminated Land Strategy has been updated in line with new statutory guidance and has been published on our website.
123. Our Fast Charge electric vehicle (EV) points are up and running and we are starting to receive usage data. Staff usage is subject to reasonable use terms and users are required to register with the authority so that this can be monitored. Data so far indicates that our Macclesfield and Westfields points are reasonably well used and we are hoping that the grant-funded project to update our pool fleet with electric vehicles will see even further use and

reduced vehicle running costs to the authority. Our Rapid Charger project is currently moving through an asset transfer process to our sub-contractor and should be in place by early November making it an accessible resource for local and national EV drivers.

124. The construction of the Environmental Hub has led to a re-profiling of the savings associated with the re-letting of the waste disposal contract that was to be delivered in 2015/16 through the existing Crewe Depot. The reprofiling of savings has been fully mitigated by improvements on the household waste recycling centre contract, including reducing the bonus element. Overall, Environmental Operations (including Bereavement) is projecting a potential budget pressure of £0.2m against a net budget of £27.4m, which is a relatively small variance.
125. Approximately £0.1m of the potential pressure relates to a forecast shortfall in Markets income. This continues the trend of a gradual decline in income over the last few years, specifically in Macclesfield, where low rents of vacant shops and a major trader leaving have contributed to the shortfall. Negotiations over the projected transfer of Crewe Markets to Crewe Town Council are continuing.
126. Bereavement Services are currently projecting a potential budget pressure of £0.1m based on the mid-year income forecast against a net income budget of £1.3m. This relates to a realignment of the original proposed income growth over a period of five years to gradually build market share. The core bereavement income budget, including first year growth is forecast to be achieved.

Sustainable Energy

127. Levels of landfill disposal and energy production are in line with the targets of 16% this year. In the longer term the Council is investing

in the infrastructure through the proposed Environmental Hub project to dramatically change levels of landfill diversion and energy production from 2016/17.

128. In September, Cabinet endorsed market engagement and a procurement process to enable the recycling of food waste with garden waste in the green bin. The Council will now work with industry to procure a preferred bidder and proposal returning to Cabinet in autumn 2016.
129. The Fairerpower scheme is now in its second quarter and has reached over 2,300 customers. The average saving for customers is £250 per annum. A marketing plan has been created to continue to pursue a co-ordinated and proactive approach to promote Fairerpower, including a targeted campaign to staff at Cheshire East Council. Several partner organisations have come forward in expressing interest in the Fairerpower scheme.
130. The Solar Panel installation project for Westfields has now been costed for a 30 Kw system to be installed.
131. The Deep Geothermal bidders day attracted 44 attendees. An open procurement process to secure a 30-year Joint Venture Agreement commenced on 17th August 2015.
132. The Anaerobic digestion facility site longlist has been completed and the business case updated. A paper has been submitted to Cabinet to seek authority for market engagement activity and a Joint Venture partner procurement.

5 ~ People live well and for longer

Facilitating people to live independent, healthier and more fulfilled lives

133. The Walking to Wellbeing scheme has been well received with over two-thirds of attendees being 51 years or over, and two-thirds being repeat attendees. The led-walks programme is attracting a contingent of people from the local community who really value and appreciate the opportunity to walk with others. These participants would not necessarily have the confidence to go walking on their own, and are enjoying the themed nature of the walks too. The level of support and requests for more walks has led to consideration to continue ranger support for a longer period throughout the autumn.
134. At the end of Quarter 2, public satisfaction with countryside events stood at 98%, having improved from 85% in March 2014.
135. Cheshire and Wirral Partnership NHS Foundation Trust (CWP) are the lead provider for the Cheshire East Substance Misuse Service 'Stepping Stones' for which the contract was awarded in November 2014 by Public Health. Stepping Stones takes a life-course approach, supporting adults and young people. CWP have also subcontracted Catch 22, a voluntary sector organisation who provide individual level case support, group work and information, advice and guidance for young people, as well as working with schools to deliver training and group sessions. Catch 22 are in the process of developing arrangements to be part of the Emotionally Healthy Schools programme, which will enable their support within schools to be delivered through a more targeted and focused approach. The aim of Stepping Stones and the partnership arrangement with Catch 22 is to prevent and reduce alcohol harm amongst young people, therefore reducing the admissions for alcohol-specific conditions among under 18 year-olds. Updated performance data for under 18 admissions will be available by March 2016.

136. During the consultation process in developing the Council's 'Vulnerable and Older Persons' Housing Strategy/ Homelessness Strategy' (VOPHS) and the Commissioning Intentions for our Substance Misuse Service Tender (both in 2014), we identified a need to respond to the needs of people who continue to use alcohol despite losing access to rented accommodation. The VOPHS specifically identified the need to respond to the following:
- People with complex needs (including substance misuse) and not appropriately catered for within the current supply of supported accommodation and may therefore be sofa surfing/rough sleeping
 - People who need support to use abstinent housing provision
 - People engaged in multiple presentations to Council and partner services.
137. In response to this local need, Public Health are therefore working in partnership with Housing colleagues to commission a 'Recovery Based Accommodation' model which provides a safe temporary home to enable Cheshire East residents without accommodation and currently using alcohol or other substances in an uncontrolled manner. The project will aim to support individuals to the point where they can start to work towards maintaining an independent tenancy.
138. A mental health paper has been prepared for Management Group Board and Cabinet. This includes outline business cases for projects that aim to improve emotional health and wellbeing across the lifecourse including: Increased Family Nurse Partnership (FNP) capacity, improving postnatal depression pathways, improving pathways that support school readiness, emotionally healthy schools programme, self-harm and suicide prevention and empowerment. The funding for these business cases is the Public Health budget. However, there is uncertainty over the availability of the budget due to national and local budget decisions.
139. Adult Social Care is forecasting an overspend of £0.7m. The latest projection shows an improvement on that reported at First Quarter Review as the service continues to make progress towards achieving a balanced budget by year end. It is pleasing to report that Care costs remain broadly stable now that the first care periods of 2015/16 have been accounted for and also, that income levels remain buoyant. Both of these are positive given demand levels the service are facing as a result of the demographics within the Borough and provide assurance overall that the existing and new early intervention and preventative measures being introduced are contributing towards this position.
140. The service continues to progress negotiations with Health colleagues around the funding of service users with complex needs, this is being worked through on a detailed client by client basis. The outcome of these negotiations will, given the sums of money involved, prove crucial to the final outturn position of both this (the Council's largest service) and the wider Council position. Progress is now being made in relation to Care Fund Calculator budget savings for 2015/16 that were previously delayed due to a lack of social worker capacity.
141. In addition to moving towards a balanced position for the third successive year the service is actively seeking to create a solid platform from which to deliver the challenging Medium Term Financial Strategy for next year and beyond. Work in progress includes preparing for the introduction of a Resource Allocation System (RAS), detailed review of the usage of respite care and deep examination of the ongoing performance of all external contract expenditure.

142. The Leisure commissioning service is currently forecasting a net nil position, in respect of base budget spend on client and management fee costs, against a net £2.1m budget.

Early Intervention, Help and Prevention

143. There continues to be an increase in multi-agency early help assessments. There has been a 14% increase in the number of Common Assessment Frameworks (CAF's) since the start of the financial year; this is currently standing at 119 per 10,000 of the 0-17 year old population. The majority of these continue to be led by the Cheshire East Family Service or schools, along with Health.
144. There is a comprehensive and free multi-agency CAF training programme aimed at improving engagement with early help; so far there have been three sessions this year, with a further one planned for November 2015. 78 professionals have attended this training and feedback has been extremely positive. In addition to this, bespoke training has been offered to several teams within Cheshire East, Catch 22, Cheshire East Early Years team and a planned session with the SEN team in December.
145. There have been three meetings of the multi-agency CAF audit group which has met to consider the quality of CAF assessments and consider themes and learning points for CAF authors. In total, around 30 CAF assessments have been audited by this group. Added to this, there has been an increase in the amount of CAF's agreed and recommended as an outcome of contacts into Cheshire East Consultation Service (ChECS) over the past few months. ChECS staff are working hard to ensure callers engage parents in CAF at an earlier level of need. The integrated nature of the ChECS front door service (with health, education, and commissioned service representatives) also ensures better communication, co-operation and commitment to CAF.

146. Public Health are developing a project which will introduce a single integrated assessment for lifestyle and wellness services. This will provide access to services that increase physical activity, improve diet, reduce alcohol usage and stop smoking etc thereby improving the health outcomes of local people in the Borough. This will also have the effect of increasing value for money and choice, with services focussed at a community level. This will introduce the new support system by the end of March 2016, and was agreed by Cabinet in September.
147. Progress is continuing to be monitored against Public Health Transformation Fund projects. These are:
- Catch 22 (MyChoice - Holistic Sexual Health Education, Advice and Guidance) – Project continuing to proceed to plan although outreach service being used instead of a drop-in service.
 - Cheshire East CAB (Advice on Prescription) – Action plan has been put in place to tackle disappointing lack of referrals by GPs in Macclesfield although figures are more encouraging from Waters Green (Crewe).
 - Cheshire East Council Public Rights of Way and Countryside Management Service (Walking to Wellbeing) – Project continuing to plan. A programme of walks has been running from July-September which has seen good attendance by members of the public.
 - Cheshire Without Abuse (Safer and Healthier Families) - Project continuing to plan, 16 families in Crewe and Macclesfield are currently being worked with (including two families where fostering would have been initiated without the intervention).
 - End of Life Partnership (Cheshire Living Well, Dying Well) - Currently asset mapping available resources for End of Life

planning in the local community. A project monitoring meeting will be held to verify project progress.

- Food Dudes (Food Dudes in our Schools) - project completed, with an evaluation report now produced.
- NHS SCCCH (Diagnose Cancer Early – campaign) – Project proceeding to plan with strong performance in several areas.
- Peaks and Plains Housing Trust (Keeping Warm, Living Well) – Referrals continue to be strong. Marketing work has been conducted including advertisements in the local press and on the internet.
- Royal Voluntary Service (Staying Home Community Support) – Project proceeding to plan, all milestones achieved.
- St. Luke's Hospice (Volunteer Befriending in Crewe and Nantwich) – Volunteer recruitment slow at first but building now and producing linked increase in individuals helped (currently 9). Work is ongoing to meet targets. Marketing action plan put in place. Follow up to take place on this.
- The Reader Organisation (Reader in Residence Project) – Project began later than most others in April but significant work required to increase number of members of the public attending reading groups. Series of meetings to be held to work on performance.
- CVS (social prescribing project) – four practices have agreed to take part in scheme, however, number of referrals low at present in comparison to targets. Project monitoring meeting to be held where action plan to be drawn up.
- YMCA (healthy conversation project) – 7 learners signed up to programme since project began in June. Progress fair against targets so far given intensive nature of intervention.

148. The new Sexual Health service will commence on 1st October 2015 and provide a change of emphasis in the delivery of services, providing the majority of Sexual Health, genitourinary medicine (GUM) services and health promotion and prevention advice in

local settings, whilst continuing to ensure access to specialist GUM care for those who need it. These will complement other primary care commissioned services with GP practices and pharmacies. This approach is consistent with the direction of travel of both local integration programmes, and is what the public and other stakeholders asked for in the extensive pre-tender consultation work that was undertaken.

149. These plans have also been informed by research conducted for the Joint Strategic Needs Assessment. This identified that:

- The rate of sexually transmitted infections in Cheshire East is low compared to England, but attendances in our GUM commissioned services is high.
- There is a rising trend in the use of open access GUM services for sexual health screening in people without any symptoms of an STI (at both Leighton and East Cheshire Trust sites). In 2013 there were over 5,000 attendances that required no treatment. This is much higher than the regional norm across Cheshire and Merseyside.
- Our specialist hospital-based GUM services are being used to meet the general sexual and reproductive health needs of residents that could be met more appropriately in other settings such as community sexual health clinics.
- There has been a significant rise in the number of patients attending GUM services for contraceptive advice (2,636 in 2013). Some of this activity could be delivered more cost-effectively and appropriately in family planning clinics or primary care in line with patient choice.

150. As a result of the contract change, expectations are to see:

- Continued low levels of sexually transmitted diseases in Cheshire East

- Reduced rate of teenage pregnancy
- Greater access to contraception and sexual health advice for priority groups (in particular young people and men)
- An increase in chlamydia screening and HIV testing for 15-24 year old age group
- Wider sexual health services that are commissioned by others working well with our new services (as explained within a Public Health England publication 'Making it Work – a guide for commissioners', September 2014)

151. Cheshire East Council and East Cheshire Trust will update stakeholders about the changes in services as the contract mobilisation phase progresses towards the launch of the service on the 1st October 2015. Current services remain the same until this point.
152. The current projection is that Public Health will be able to deliver a balanced outturn position from within its grant funded allocation from central government. It should be recognised that this achievement includes delivering an in-year grant reduction of £1m following the summer announcement from the Chancellor of the Exchequer.
153. The Public Health team have now worked through an intensive investment plan that targets their resources on areas of evidenced need, right down to individual ward level. This plan will guide where Public Health resources go in the future as part of the Council's Medium Term Financial Strategy. This plan represents a major stepping stone for future investment and builds on the work undertaken to date, including embedding the service within the Council and working through major contracts inherited from Health partners as part of the transfer across.

Public Protection and Safeguarding

154. In Quarter 2, Ofsted carried out an unannounced inspection of Children's Services. The inspection covered services for children in need of help and protection, children looked after and care leavers in Cheshire East and a review of the effectiveness of the Local Safeguarding Children Board (LSCB). The Inspection, which was carried out by ten Ofsted Inspectors, took place over a four-week period and included looking in-depth at casework, observing practice and interviewing staff from the Council and partner agencies.
155. Ofsted's judgement was that Cheshire East 'requires improvement' to ensure it is providing good services in the above areas; however, Inspectors were impressed with the Council's adoption services, which they judged to be 'good'. Inspectors found that planning for permanence is improving with a good focus on adoption and children are well supported in their new families. They also stated that support for adopters is a strength.
156. To date, 67 local authority areas have been inspected under the single inspection framework. Almost a quarter of those inspected have been judged as inadequate, over half have been judged as 'requires improvement', less than a quarter are good and none have been judged outstanding.
157. There continues to be an improving picture in the percentage of cases taking 45 days or less from the start of the combined assessment, averaging 95% in Quarter 2. This continues to remain a focus of fortnightly challenge sessions with teams.
158. The three year average adoption scorecard targets are likely to be achieved by 2017; this is due to a number of children being adopted who have been looked after for a significant period of

time. This has resulted in a positive outcome for the young people involved, but reflects negatively on the overall scorecard. For children who have entered care since 2012 the timeliness threshold is below the government threshold. Over 80% of Cheshire East children are placed for adoption in timescales significantly below the government thresholds.

159. Strategies to ensure recruitment of local foster carers continue and there is currently an evaluation underway to determine local in-house residential requirements.

160. Cheshire East continues to monitor the participation of children and young people in their child protection conference through either clear articulation of their wishes and feelings in collective reports or through discussions at visits, as well as direct involvement through a range of options. During Quarter 2 there was evidence of child participation in 95% of cases. However, the intention is to make the participation meaningful and so work has been taking place on different models both in relation to advocacy for those children and the development of a new framework for delivering the child protection conference process intended to promote better planning and engagement. This will help to ensure that this good level of participation is of a good quality.

6 ~ A Responsible, Effective and Efficient Organisation

161. In September, the Council received its annual report from external auditors providing findings for the year ending 31 March 2015. The auditors reported that, “based on our review of the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources, we propose to give an unqualified Value for Money conclusion.” The report went on to state that, “The Council continues to demonstrate good financial performance...”

162. In July, the Council announced its aim to make savings from empty buildings and unneeded sites by selling off surplus assets, for reinvestment in frontline services. The new Strategic Asset Management and Delivery Plan was backed by Cabinet, and called for the creation of a Corporate Property Board to test whether assets should be retained or sold off as surplus to requirements. The Plan sets out a target of raising £25m from asset sales in 2015/16.

163. The Council has significantly reduced the average age of debt invoices at mid-year for the fourth consecutive year following targeted work by its Finance team, achieving a reduction of nearly 40% year-on-year, and 65% since 2012.

164. At the mid-point of the year, the overall budget for Chief Operating Officer Services is forecast to be underspent by £1.4m. Corporate Resources & Stewardship is forecasting an underspend of £1.2m (£1.3m at FQR), with the majority of the underspend (£1.0m) within the energy budget in Facilities Management. The remaining underspend of £0.2m is due to predicted savings from staff vacancies across the service.

165. Underspends against budget are being reported by Organisational Development (£0.1m); Strategic Commissioning (£0.1m); and Communications (£27,000). Balanced positions are being reported by Governance & Democratic, and Monitoring Officer and Head of Legal Services.

2. Financial Stability

Introduction

166. Financial performance has continued to improve compared to previous financial years. Improvements in financial planning, governance and stewardship are having a clear impact on the Council's ability to manage its budget and create greater confidence in the medium term plans.
167. Applying the best fit approach towards commissioning means the Council now wholly owns several supplier companies as well as maintaining relationships with private sector suppliers, charitable trusts and voluntary sector organisations. The financial position of the wholly owned companies will have a direct effect on the financial performance of the Council over time, but to date no forecast profit or loss is being factored in to the outturn position for the Council.
168. **Table 1** provides a service summary of financial performance at Quarter Two. For further details please see Section 1 and the notes below the table. Changes to service net budgets since First Quarter Review are analysed in **Appendix 2**.

Table 1 - Service Revenue Outturn Forecasts

	Revised Net Budget	Emerging Pressures	Remedial Actions	Current Forecast Over / (Underspend)	Outcome Number 1 - 5
	£000	£000	£000	£000	
Children & Families	43,449	1,909	-1,471	438	3,5
Adult Social Care & Independent Living	95,297	7,302	-6,558	744	5
Public Health	0	0	0	0	5
Economic Growth & Prosperity	6,143	0	0	0	2
Chief Operating Officer					
Commissioning Services:					
Bldg Control, Land Chges & Planning Support	1,693	0	0	0	2,4,5
Environmental (incl Bereavement)	27,395	462	-283	179	2,4,5
Highways	11,190	0	0	0	2,4,5
Leisure	2,040	30	0	30	2,4,5
Transport	14,601	281	0	281	2,4,5
Communities	9,205	786	-545	241	1,2
Other (e.g Finance, ICT, Legal, Facilities)	39,240	-1,391	0	-1,391	
TOTAL SERVICE OUTTURN	250,253	9,379	-8,857	523	

169. The impact of the projected service outturn position at this stage of the financial year is to decrease balances by £0.5m. Further items impacting on the level of the Council's balances are detailed in the paragraphs below on centrally held budgets.
170. The Council has made considerable improvements in the way it manages its major change programmes. This has included extensive training, a refreshed methodology, the setting up of new monitoring and reporting arrangements and monthly reporting. In April 2013 the Council launched a corporate project and

programme management framework to support achievement of the Three Year Plan. The framework focuses on capital or revenue projects or programmes where the total value exceeds £250,000, or poses significant risk to the Council. Progress is reviewed by a Member-led governance group, called the Executive Monitoring Board, which is supported by a Technical Enabler Group and the Programme Management Office.

171. Monitoring of the current projects and programmes focuses on whether projects are expected to achieve the benefits set out in each business case within the timescales and budget initially agreed. Where progress on a specific project or programme is impacting on the outcomes contained in the Council's Three Year Plan details will be provided in Section 1 of this report. Where projects are not meeting time, quality or cost standards these will be considered by Cabinet as part of a monthly summary report.

Government Grant Funding of Local Expenditure

172. Cheshire East Council receives two main types of Government grants; specific use grants and general purpose grants. The overall total of Government grant budgeted for in 2015/16 was £366.8m.
173. In 2015/16 Cheshire East Council's specific use grants held within the services was budgeted to be £270.6m based on Government announcements to February 2015. This figure was revised at the first quarter stage to £263.9m and this remains unchanged for mid year review as no further schools have converted to academy status. Spending in relation to specific use grants must be in line with the purpose for which it is provided. General purpose grants were budgeted to be £96.2m, but further in-year grant announcements have increased this figure to £96.7m at mid year stage.

174. An additional general purpose grant of £0.35m for Neighbourhood Planning has been received during the second quarter of 2015/16. A request for the allocation of this additional grant is detailed in **Appendix 10**.
175. **Table 2** provides a summary of the updated budget position for all grants in 2015/16. A full list is provided at **Appendix 3**.

Table 2 – Summary of Grants to date

	2015/16 Revised Forecast FQR £m	2015/16 Revised Forecast MYR £m	2015/16 Change £m
SPECIFIC USE			
Held within Services	263.9	263.9	0
GENERAL PURPOSE			
Central Funding	77.8	77.8	0
Service Funding:			
Children and Families	1.0	1.0	0
Adult Social Care and Independent Living	3.3	3.3	0
Economic Growth and Prosperity	0.8	0.8	0
Chief Operating Officer	13.9	13.9	0
Total Service Funding	18.9	18.9	0
TOTAL GENERAL PURPOSE	96.7	96.7	0
Total Grant Funding	360.6	360.6	0

Collecting Local Taxes for Local Expenditure

176. Cheshire East Council collects Council Tax and Non Domestic Rates for use locally and nationally.

Council Tax

177. Council Tax is set locally and retained for spending locally. Council Tax was frozen for 2015/16 at £1,216.34 for a Band D property. This is applied to the taxbase.
178. 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 2015/16 was agreed at 138,764.49 which, when multiplied by the Band D charge, means that the expected income for the year is £168.8m.
179. In addition to this, Cheshire East Council collects Council Tax on behalf of the Cheshire Police and Crime Commissioner, the Cheshire Fire Authority and Parish Councils. **Table 3** shows these amounts separately, giving a total budgeted collectable amount of £205.8m.

Table 3 – Cheshire East Council collects Council Tax on behalf of other precepting authorities

	£m
Cheshire East Council	168.8
Cheshire Police and Crime Commissioner	21.7
Cheshire Fire Authority	9.8
Town and Parish Councils	5.5
Total	205.8

180. This figure is based on the assumption that the Council will collect at least 98.75% of the amount billed. The Council will always pursue 100% collection, however, to allow for non-collection the actual amount billed will therefore be more than the budget.
181. This figure may also vary during the year to take account of changes to Council Tax Support payments, the granting of discounts and exemptions, and changes in numbers and value of properties. The amount billed to date is £210.4m.
182. **Table 4** shows collection rates for the last three years, and demonstrates that 99% collection is on target to be achieved within this period.

Table 4 – Over 99% of Council Tax is collected within three years

Financial Year	CEC Cumulative		
	2012/13	2013/14	2014/15
	%	%	%
After 1 year	98.2	98.1	97.9
After 2 years	99.3	99.0	*98.3
After 3 years	99.5	*99.1	**

* year to date

**data not yet available

183. The Council Tax in-year collection rate for 2015/16 shows a small increase at 48.7% compared to 48.6% for the same period in 2014/15.
184. Council Tax support payments (including Police and Fire) were budgeted at £18.6m for 2015/16 and at the end of the second quarter the total council tax support awarded was £15.6m. The Council Tax Support caseload has reduced since April 2014 and there have been more reductions in the Council Tax Support awards in the year than increased or new awards.
185. Consultation on proposed changes to the Council Tax Support Scheme for 2016/17 was launched in August 2015, with the final scheme to be agreed by full Council later in the year when the results have been reviewed.
186. Council Tax discounts awarded are £18.8m which is broadly in line with the same period in 2014/15.
187. Council Tax exemptions currently awarded total £3.2m which is broadly in line with the same period in 2014/15.

Non-Domestic Rates (NDR)

188. NDR is collected from businesses in Cheshire East based on commercial rateable property values and a nationally set multiplier. The multiplier changes annually in line with inflation and takes account of the costs of small business rate relief. This is the second year that the multiplier increase was capped by the Government at 2%.
189. The small business multiplier applied to businesses which qualify for the small business relief was set at 48.0p in 2015/16. The non-domestic multiplier was set at 49.3p in the pound for 2015/16.
190. Cheshire East Council has entered into a pooling arrangement with the Greater Manchester (GM) Authorities for the purposes of Business Rates Retention. The purpose of the pool is to maximise the retention of locally generated business rates to further support the economic regeneration of Greater Manchester and Cheshire East Councils. As a pool the members will be entitled to retain the levy charge on growth that would normally be paid over to Central Government. Cheshire East will retain 50% of this levy charge locally before paying the remainder over to the pool.
191. The Cheshire East and GM Pool are also taking part in a pilot scheme where the pool is now able to retain locally the 50% of “additional growth” in business rates which in the usual Business Rates Retention Scheme would be paid directly to DCLG.
192. Part of this arrangement means that the baseline for which growth in rates is set against has been reset to match the estimated rates to be collected as reported in January 2015. This level is £139.5m.
193. Mid year analysis has shown successful appeals have been awarded at a higher level than have currently been provided for.

This issue will be resolved at year end with the business rates retention earmarked reserve being utilised to cover this increased pressure.

194. **Table 5** 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 5 – Over 99% of Business Rates are collected within three years

Financial Year	CEC Cumulative		
	2012/13	2013/14	2014/15
	%	%	%
After 1 year	98.0	98.2	98.1
After 2 years	98.8	99.2	*98.7
After 3 years	99.4	*99.3	**

* year to date

**data not yet available

195. The business rates in-year collection rate for 2015/16 is currently 46.5% compared to 47.6% for the same period in 2014/15. The reduction is largely due to significant rateable value decreases which have required refunds relating to previous years.

Capital Programme 2016/19

196. Since the reporting the Capital Programme at the First Quarter Review the overall forecast expenditure for the next three years has increased by £6.1m as shown in **Table 6**.

Table 6 – Summary Capital Programme

	Revised Total Forecast Budget FQR 2015/19 £m	Amendments to MYR Forecast Budget 2015/19 £m	Amended MYR Forecast Budget 2015/19 £m	Budget Reductions £m	SCE's £m	Revised Total Forecast Budget 2015/19 £m
Children & Families	62.4	0.0	62.4	-0.1	1.3	63.6
Adult Social Care & Independent Living	3.5	0.0	3.5	0.0	0.0	3.5
Economic Growth & Prosperity	258.8	-11.6	247.2	-1.4	7.9	253.7
Chief Operating Officer - Commissioning	108.4	11.8	120.2	0.0	-0.5	119.7
Chief Operating Officer - Other	37.9	0.0	37.9	0.0	-1.3	36.6
	471.0	0.2	471.2	-1.5	7.4	477.1

197. One of the main changes since the figures were reported at First Quarter Review is due to a proposed Supplementary Capital Estimate for the Crewe Green Roundabout scheme. This will be a five arm signalised roundabout, forming a major confluence of roads to the east of Crewe. Peak period congestion is severe and traffic modelling shows the opening of Crewe Green Link Road (South) will add approximately 15% more traffic to the junction. The scheme will remove a key congestion 'Pinch Point' on the main distributor network in Crewe and will improve access to strategic areas within Crewe. The scheme is fully funded by Local Growth Fund Grant and Section 106 contributions.

198. There is also a further notable Supplementary Capital Estimate request for the Crewe Lifestyle project of £0.4m which relates to an increase in the contingency budget from 2.4% to 5%, which is normal for a project of this size. It is required to ensure the project has the flexibility to conclude the construction phase and draw

down against the contingency for reasonable and necessary client changes. No direct works have been assigned to this amount at this stage and should it not be required the additional budget will be removed at the conclusion of the scheme and the funding returned to the capital programme. This will enable the project to complete without delay should the need to action contingency materialise. This decision was endorsed at the Executive Monitoring Board Meeting on the 23rd September 2015.

199. There is a Virement request of £1.8m from the Strategic Pot (£1.3m) and the Macclesfield Town Centre Renewal Project (£0.5m) to the Regeneration and Development programme. This will bring all the budgets available under a single pot to deliver the Macclesfield Town Centre Redevelopment scheme as well as the other town regeneration projects within the borough of Cheshire East.
200. There is a Supplementary Capital Estimate request of £1.2m in respect of the preliminary work required for the proposed Middlewich Eastern By-pass. This project aims to reduce the traffic pressure at the pinch point of Junction 18 of the M6 and Midpoint 18. This project is fully funded from Government Grants.
201. The programme has also been revised to reflect Budget reductions of £1.5m and other Supplementary Capital Estimates of £0.7m contained in **Appendices 5 to 7**.
202. The revised programme is funded from both direct income (grants, external contributions) and the Council's own resources (prudential borrowing, revenue contributions, capital reserve). A funding summary is shown in **Table 7**.

Table 7 – Capital Funding Sources

	FQR Total Forecast Budget £m	MYR Total Forecast Budget £m	Variance £m
Grants	210.7	203.2	-7.5
External Contributions	57.7	50.8	-6.9
Cheshire East Resources	202.5	223.1	20.6
	471.0	477.1	6.1

Capital Budget 2015/16

203. At the Mid year review stage the Council is forecasting expenditure of £139.3m in 2015/16, which is a reduction of £15.3m from the First Quarter Review. This is because project managers have been asked to review their in-year forecast and slip to future years if still required to present a realistic expenditure forecast in 2015/16.
204. The capital programme is to be reported by the stages in the approval process and schemes that are noted as committed and in progress will have slippage monitored against during the year as these schemes should have commenced prior to or during 2015/16 and a detailed forecast expenditure plan should be in place. This equates to £91.6m of forecast expenditure in 2015/16. Schemes will be monitored on their progress during the year and re-categorised quarterly. This includes the net impact in 2015/16 of supplementary capital estimates, virements and budget reductions listed in **Appendices 5 to 8**.

Table 8 – Changes to the 2015/16 Capital Budget

Committed Schemes	Revised FQR Budget	Revised MYR Budget	Forecast Expenditure	Current Forecast (Over/ Underspend)
	£m	£m	£m	£m
Children & Families	9.8	10.3	9.6	-0.7
Adult Social Care & Independent Living	0.8	0.5	0.5	0.0
Economic Growth & Prosperity	22.0	27.7	24.3	-3.4
Chief Operating Officer - Commissioning	41.4	43.0	42.5	-0.5
Chief Operating Officer - Other	15.3	14.6	14.7	0.1
Total Committed Schemes	89.3	96.1	91.6	-4.5

205. **Appendix 5** lists approved supplementary capital estimates and virements up to and including £250,000 approved by delegated decision which are included for noting purposes only.
206. **Appendix 6** lists requests for supplementary capital estimates and virements above £250,000 up to £1,000,000 to be approved by Cabinet.
207. **Appendix 7** lists two requests for a supplementary capital estimate. The first is for £5.0m in respect of Crewe Green Roundabout which is fully funded by Government Grants and External Contributions. The second is a request for £1.2m in respect of Middlewich Eastern By-pass which is also fully funded by government grants. A virement has also been requested for £1.8m in respect of the Regeneration and Development Programme and is funded by Cheshire East Resources.
208. **Appendix 8** lists details of reductions of £1.5m in Approved Budgets where schemes are completed, will not be monitored as part of the Council's capital programme and can now be removed. These are for noting purposes only.

Central Adjustments

Capital Financing Costs and Treasury Management

209. 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 costs are partly offset by the interest the Council earns from temporary investment of its cash balances during the year. The capital financing budget of £14m accounts for 6% of the Council's net revenue budget.
210. Investment income to September 2015 is £279,000 which is higher than the budgeted income of £100,000 for the period. The level of cash balances has remained high although market interest rates have remained relatively flat. However, investments in the CCLA Investment Management Ltd property fund, longer dated covered bonds and increasing use of corporate bonds has contributed to higher rates of interest earned on investments.
- The average lend position (the 'cash balance') including managed funds up to the end of September 2015 is £71.4m.
 - The average annualised interest rate received on in house investments up to the end of September 2015 is 0.64%.
 - The average annualised interest rate received on the externally managed property fund up to the end of September 2015 is 4.78%.
211. The Council's total average interest rate for 2015/16 up to the end of September is 1.01%. The returns continue to exceed our benchmark, the London Inter-bank Bid Rate for 7 days at 0.46%,

and is consistent with our own performance target of 1.00% (Base Rate + 0.50%).

Table 9 – Interest Rate Comparison

Comparator	Average Rate to 30/09/2015
Cheshire East	1.01%
LIBID 7 Day Rate	0.46%
LIBID 3 Month Rate	0.53%
Base Rate	0.50%
Target Rate	1.00%

212. The capital financing budget for interest charges and debt repayment remains on target.
213. All investments are made in accordance with the parameters set out in the Treasury Management Strategy Statement approved by Council on 26th February 2015. Further details of counterparty limits and current investments are given in **Appendix 9**.
214. At the end of the first quarter, a further investment of £2.5m was made in the CCLA managed property fund bringing our total investment to £7.5m. This property fund continues to grow and has demonstrated consistently high returns over the last few years with underlying capital growth being maintained. However, this fund should be judged over a five to six year period as returns and the underlying capital value of the fund can be volatile.
215. Over the last year, regulations concerning the security of funds at banks and financial institutions have changed. The effect is that although Government support has been removed, the risk of

failure has decreased due to increased capital requirements but the effects of failure to Local Authority investments are more serious due to bail-in requirements. The Council is therefore actively seeking to place more investments which are outside of the bail-in requirements. This is being achieved through the use of Covered Bonds and Corporate Bonds with maturity dates no longer than two years to tie in with our cash flow forecasts.

216. Covered Bonds provide security as they are backed up by collateral and still provide a good level of return. The Council has three investments in covered bonds totalling £7.5m due to mature between March 2016 and November 2016.
217. Corporate Bonds are not protected by collateral but are generally exempt from any bail-in requirements. Investment in Corporate Bonds are only made on advice from our Treasury Management advisors who review the company, the market and country in which they operate, the ranking of the bond and the credit worthiness assigned to it. As at 30th September the Council had investments in five Corporate bonds totalling £12.8m. Full details are shown in **Appendix 9**.

Central Contingencies and Contributions

218. A budget of £1.0m is held centrally to meet past service Employer Pension contributions relating to staff transferred to the new supplier companies. It is forecast that spending will be in line with the budget.

Allocation of Additional Grant Funding

219. The Council's budget provides for the receipt of known specific grants. However, where additional non-ringfenced grant funding is received, services wishing to increase their expenditure budgets

are required by Finance Procedure Rules to seek approval to use this additional funding. This report seeks approval to services' requests to incur additional expenditure in 2015/16 fully funded by additional grant. Details of the allocations are contained in **Appendix 10**.

Debt Management

220. The balance of outstanding debt has increased by £1.9m since First Quarter review. Balances remain within forecast levels and adequate provisions have been made. A summary of outstanding invoiced debt by Service is contained in **Appendix 11**.

Outturn Impact

221. The impact of the projected service outturn position could reduce balances by up to £0.5m as reported above (**para 169**).
222. Taken into account with the central budget items detailed above and the approved use of general reserves below (**paras 225-226**), the financial impact described in this report could decrease balances by £2.7m as summarised in **Table 10**.

Table 10 – Impact on Balances

	£m
Service Net Budget Outturn	-0.5
Central Budgets Outturn	0.0
Use of Reserves approved by Council	-2.2
Total	-2.7

Management of Council Reserves

223. The Council's Reserves Strategy 2015/18 states that the Council will maintain reserves to protect against risk and support investment. The Strategy forecasts that the risk assessed level of reserves is likely to remain at £12.5m throughout the medium term.
224. The opening balance at 1st April 2015 in the Council's General Reserves is £14.7m as published in the Council's Statement of Accounts for 2014/15.
225. At the February 2015 meeting, Council approved the use of £1.7m of general reserves in 2015/16, to be transferred to earmarked reserves to meet additional planning costs, potential increased insurance claims, and to support investment in sustainability.
226. At First Quarter Review, Council approved that £0.5m be transferred from balances to an earmarked reserve for Early Intervention initiatives.
227. The overall impact of service budgets, central budgets and Council decisions is identified in **Table 10** above. **Table 11** shows how this impacts on the forecast closing balance of general reserves.

Table 11 – Change in Reserves Position

	£m
Opening Balance at 1 st April 2015	14.7
Impact on Balances at Quarter 2	-2.7
Forecast Closing Balance at March 2016	12.0

228. The projected balance of £12.0m reflects the current forecast that risks associated with budget achievement in 2015/16 may not actually materialise and this is slightly below the level planned in the 2015/18 Reserves Strategy. Actions to continue managing current risk will continue to be explored in the remaining months of the financial year. Overall the Council remains in a strong financial position given the major challenges across the public sector.
229. The Council also maintains Earmarked Revenue reserves for specific purposes. At 31st March 2015 balances on these reserves stood at £49.1m, excluding balances held by Schools. A contribution of £0.2m to the Emergency Assistance earmarked reserve was approved as part of the 2015/16 budget. Council also approved the transfer of a further £1.7m from general reserves into earmarked reserves in 2015/16 to provide for additional costs in Planning, and on Insurances, and to support investment in sustainability. These items brought the earmarked reserves balance available in 2015/16 to £51.0m. At First Quarter Review, Council approved the transfer of £0.5m to an earmarked reserve for Early Intervention Initiatives.
230. During 2015/16, an estimated £25.8m will be drawn down and applied to fund service expenditure specifically provided for. Service outturn forecasts take account of this expenditure and funding.
231. A full list of earmarked reserves at 1st April 2015, and estimated movement in 2015/16 is contained in **Appendix 12**.

3. Workforce Development

232. This section sets out the Council's activities and progress in relation to HR, Organisational Development, Health and Safety, Workforce Development plans and changes to staffing levels.
233. The Council has continued to offer a range of staff benefits such as green car scheme, bike to work scheme, childcare vouchers and additional annual leave. These salary sacrifice schemes offer a saving to both the employee and Council by allowing a portion of an employee's salary to be exchanged to purchase an accredited scheme. Work is underway to establish an online platform through which colleagues can more easily access a wider range of benefits.
234. Work is continuing to implement the Living Wage for directly employed staff with effect from 1st November 2015. This involves amending the Council's pay structure to add a scale point which equates to the Living Wage (£7.85 per hour). As this change could affect the benefits payable to some people, the Council's Benefits team have offered to run confidential surgeries around the time of implementation to help individual staff understand the potential impact on their household.
235. The learning, development and staff improvement training programme, in conjunction with all Directorates continues to grow its offering for all employees comprising of statutory, mandatory, vocational and professional themes and topics. This ensures that the Council creates a workforce which is safe, knowledgeable and competent in performing their duties to the highest possible standard, providing the best quality services to the residents and businesses. We have offered 42 courses on the training programme between July and September 2015, with percentage take up of places slightly ahead of expectation.
236. The delivery of 19 different City and Guilds accredited vocational courses through Cheshire East Council Virtual College, in Health and Social Care, Business Administration and ATE (Adult Teaching), continues to support teams across the organisation with Level 2, 3, 4 and 5 qualifications, with the addition this year of an Advocacy, Information and Advice NVQ. We currently have 468 employees from across the organisation registered on these courses.
237. The Management Development Programme continues with the delivery of ILM levels 3 & 5 in Leadership and Management. There are currently 85 registered on these qualifications. A new 'Aspiring Managers' programme has also started with the new academic year. Offered to those identified through the PDP process as future managers, there are 11 candidates in the first cohort.
238. Workforce development has continued to support the development of staff and their teams. 6 applications for individual funding support have been approved through the CPD virtual panel and four teams have started team development programmes.
239. Services continue to request apprentices, with the current cohort being 44. The majority of this cohort is working towards a Business Admin NVQ, followed by five studying for a finance qualification, one for a customer service qualification and one for an agricultural qualification. The Chief Operating Officer's service employs 19,

Economic Growth and Prosperity 13, Adult Social Care 5, Children & Families 6 and one is employed by Public Health. During the last quarter 4 apprentices secured a position with the Council.

240. An awards ceremony was held in July to recognise and celebrate the learning and qualifications achievements of colleagues across the Council over the last academic year. A range of nationally accredited qualifications were represented from all 5 directorate areas. The award for the A* Apprentice of the Year 2015 was also made at the event.
241. In August a new traineeship /pilot work readiness programme, entitled the Cygnet Pathway was launched to help prepare cared-for young people into work. Six young people are on the six month programme.
242. Cheshire East Council continues to offer a Graduate Programme, which includes Graduate Internships and a Graduate Development Programme. In this quarter, one Graduate Internship appointment has been made, bringing the total internships across the Council to 6 (including Education, Legal, HR, C&F). One further position is currently advertised (Business Intelligence) and one is awaiting paperwork (Regeneration). One intern (Legal) has been extended and one intern (Education) has passed their 6 month probation review with high praise. In terms of the Graduate Development Programme, 18 graduates from across the Council have taken part in development events.
243. Other important developments since April to note which have had a significant impact on workforce development are the introduction of the Care Certificate, the closure of the College of Social Work and the introduction of the Care Act.

244. The Wellbeing and Resilience Group continues to develop interventions to help the organisation and staff become more resilient. Training sessions have been run for managers and staff, and short lunch time and team resilience sessions have also been well received. Three clinics for male staff were run during men's health promotion week.

245. The HR consultancy offer to schools and academies has been extended to include one and three year contracts from September 2015. The service still offers a Gold or Silver Package and the Gold package now includes Mediation Support and one place on the Headteacher Workshop. The Three Year Gold Package has been popular with sixty three schools and academies signing up.

246. The Health & Safety buy-back period for schools remains open until 30th September 2015 - currently 92% of schools have purchased a service for the 2015/16 academic year.

Staffing Changes

247. The employee headcount at the end of September 2015 was 3,799, a 0.29% decrease from June 2015.

Table 12 - Corporate core CEC employee headcount and FTE figures for July, August and September 2015

Directorate/Service (excludes ASDVs and Schools)	Jul-15		Aug-15		Sep-15	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
Public Health	23	20.4	26	23.4	26	23.4
Media (Communications and PR)	8	7.9	8	7.9	8	7.9
Strategic Commissioning	2827	2075.7	2847	2095.0	2827	2081.2
Adults Social Care & Independent Living	1134	862.8	1148	875.3	1137	867.8
Children's Services	1170	776.0	1178	785.7	1171	781.3
Commissioning and Client Support	25	24.2	25	23.8	25	23.8
Communities	498	412.7	496	410.2	494	408.3
Chief Operating Officer	589	479.1	593	484.0	595	487.0
Commissioning	48	44.5	47	44.0	46	43.0
Corporate Resources & Stewardship	316	253.2	315	252.6	316	253.4
Democratic Services & Governance	90	58.1	88	56.1	87	56.1
Legal Services	35	30.9	35	30.9	36	31.9
People and OD	60	53.4	60	53.4	59	52.6
Apprentices	39	38.0	46	45.0	50	49.0
Economic Growth & Prosperity	355	282.6	360	282.4	355	282.3
Assets	25	24.0	24	23.0	24	23.0
Crewe – High Growth City	3	3.0	3	3.0	3	3.0
Investment	87	78.8	87	78.6	86	77.4
Strategic and Economic Planning	63	61.0	66	64.0	66	64.0
Strategic Infrastructure	8	7.5	9	7.5	9	8.5
Visitor Economy, Culture & Tatton Park	164	103.6	166	101.6	162	101.9
Cheshire East Council Total	3790	2866.6	3821	2893.6	3799	2882.7

248. **Table 13** demonstrates that throughout the second quarter in 2015/16 the cumulative average days lost to sickness was lower than the same period in 2014/15.

Table 13 - Comparison of average days lost to sickness in the second Quarter of 2015/16 to the same period in 2014/15 (whole Council excluding Schools – year to date cumulative effect)

	Jul	Aug	Sep
Q2 2015/16	3.46	4.24	5.19
Q2 2014/15	3.79	4.63	5.58

Voluntary Redundancies

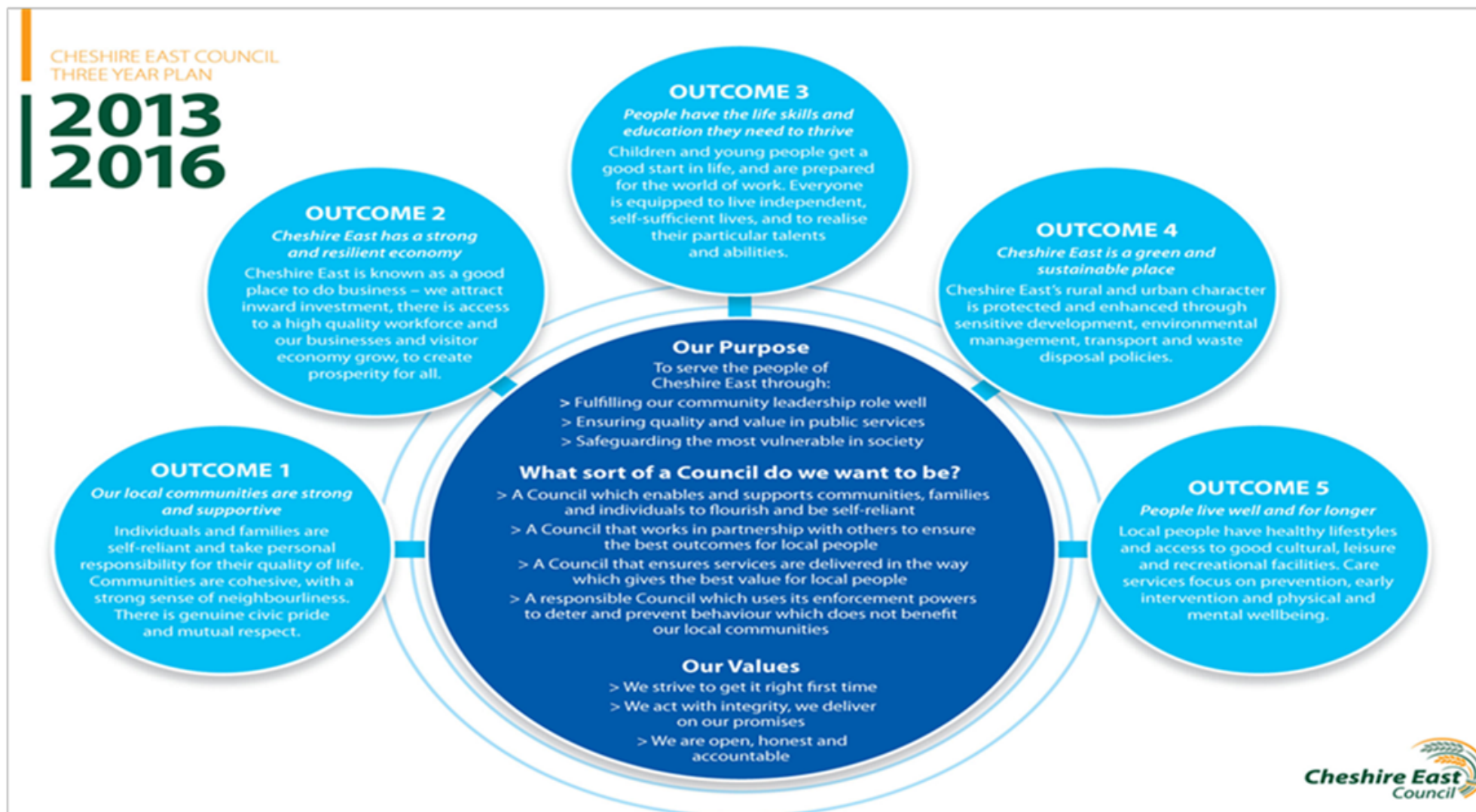
249. The Council's voluntary redundancy scheme continues to support organisational change and the delivery of the planned programme of change in the Council Plan. The effective use of voluntary redundancy in this way enables the Council to achieve its planned savings and efficiencies and also helps to maintain good employee relations within the Authority and minimises the prospect of compulsory redundancy.
250. Four people have left the Council under voluntary redundancy terms in quarter 2, two of whom held posts within the management grades (Grade 10 or above). The total severance cost, for all four employees was £144,228, inclusive of redundancy and actuarial costs. Over the next five years, these reductions are estimated to save the Council over £627,800 (which is the combined accumulated costs of the deleted posts).

Appendices to the Mid Year Review of Performance 2015/16

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November 2015

Appendix 1 Cheshire East Council Three Year Plan



Appendix 2 Changes to Revenue Budget 2015/16 since First Quarter Review

	Quarter 1 Net Budget £000	Additional Grant Funding £000	Restructuring & Realignments £000	Other Virements £000	Quarter 2 Net Budget £000
Children & Families	43,366			83	43,449
Adult Social Care & Independent Living	95,080			217	95,297
Public Health	0				0
Economic Growth & Prosperity * see note	6,290	35		-182	6,143
Chief Operating Officer:					
Commissioning Services:					
Building Control, Land Charges and Planning Support * see note	1,715			-22	1,693
Bereavement	-1,292				-1,292
Environmental	28,769			-82	28,687
Highways	11,108			82	11,190
Leisure	2,130			-90	2,040
Transport * see note	14,683			-82	14,601
	57,113	0	0	-194	56,919
Communities	9,187			18	9,205
Other (e.g Finance, ICT, Legal, Facilities)	39,182			58	39,240
TOTAL SERVICE BUDGET	250,218	35	0	0	250,253
Central Budgets					
Specific Grants	-18,894	-35			-18,929
Capital Financing	14,000				14,000
Corporate Contributions	1,008				1,008
Contribution to / from Reserves	241				241
	-3,645	-35	0	0	-3,680
TOTAL BUDGET	246,573	0	0	0	246,573

* Since February Council, the budgets for Transport, and for Building Control, Land Charges & Planning Support have been moved from Economic Growth and Prosperity to Commissioning Services.

Appendix 3 Corporate Grants Register

Corporate Grants Register 2015/16 Mid Year Review		Revised Forecast FQR 2015/16 £000	Revised Forecast MYR 2015/16 £000	Change 2015/16 £000	SRE / Balances (Note 2)
	Note				
SPECIFIC USE (Held within Services)					
Schools					
Dedicated Schools Grant	1	154,136	154,136	0	
Pupil Premium Grant	1	6,795	6,795	0	
Sixth Forms Grant	1	4,164	4,164	0	
Total Schools Grant		165,095	165,095	0	
Housing Benefit Subsidy		84,518	84,518	0	
Public Health Funding		14,274	14,274	0	
Restorative Justice Development Grant		8	8	0	
TOTAL SPECIFIC USE		263,894	263,894	0	
GENERAL PURPOSE (Held Corporately)					
Central Funding					
Revenue Support Grant		39,182	39,182	0	
Business Rates Retention Scheme		38,607	38,607	0	
Total Central Funding		77,789	77,789	0	

Corporate Grants Register 2015/16 Mid Year Review		Revised Forecast FQR 2015/16 £000	Revised Forecast MYR 2015/16 £000	Change 2015/16 £000	SRE / Balances (Note 2)
	Note				
GENERAL PURPOSE (Held Corporately)					
Children & Families					
Troubled Families		332	332	0	
Troubled Families - Co-ordinator		200	200	0	
Youth Justice Grant		326	326	0	
Youth Rehabilitation Order - Junior Attendance Centre		33	33	0	
Extended Rights to Free Transport		128	128	0	
Staying Put Grant		73	73	0	
Adult Social Care & Independent Living					
Local Reform and Community Voices Grant		195	195	0	
Independent Living Fund		749	749	0	
Adult Social Care New Burdens		2,272	2,272	0	
Social Care in Prison Grant		70	70	0	
Economic Growth & Prosperity					
Skills Funding Agency		628	628	0	
Neighbourhood Planning Grant		20	55	35	SRE
Right to Move		3	3	0	
Property Searches New Burdens - Tinklers		5	5	0	
Chief Operating Officer - Commissioning Services:					
Environment					
Lead Local Flood Authorities		35	35	0	
Lead Local Flood Authorities - technical advice on surface water proposals		82	82	0	

Corporate Grants Register 2015/16 Mid Year Review		Revised Forecast FQR 2015/16 £000	Revised Forecast MYR 2015/16 £000	Change 2015/16 £000	SRE / Balances (Note 2)
	Note				
GENERAL PURPOSE (Held Corporately)					
Communities					
Housing Benefit and Council Tax Administration		1,549	1,549	0	
NNDR Administration Grant		559	559	0	
Implementing Welfare Reform Changes		53	53	0	
Chief Operating Officer - Other:					
Education Services Grant		3,000	3,000	0	
Council Tax Freeze Grant 2015/16		1,840	1,840	0	
New Homes Bonus 2011/12		870	870	0	
New Homes Bonus 2012/13		1,844	1,844	0	
New Homes Bonus 2013/14		1,037	1,037	0	
New Homes Bonus 2014/15		1,356	1,356	0	
New Homes Bonus 2015/16		1,200	1,200	0	
Affordable Homes 2012/13		85	85	0	
Affordable Homes 2013/14		82	82	0	
Affordable Homes 2015/16		63	63	0	
New Homes Bonus 2015/16 - return of topslice		126	126	0	
Individual Electoral Registration		101	101	0	
Total Service Funding		18,915	18,950	35	
TOTAL GENERAL PURPOSE		96,704	96,739	35	
TOTAL GRANT FUNDING		360,598	360,633	35	

Notes

1 The Dedicated Schools Grant, Pupil Premium Grant and Sixth Form Grant (Education Funding Agency) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DfE and conversions to academy status.

2 SRE - Supplementary Revenue Estimate requested by relevant service.

Appendix 4 Summary Capital Programme and Funding

Service	In-Year	SCE's	SCE's	Revised	Forecast Expenditure		
	Budget	Virements	Virements	In-Year			
	MYR	Reductions	Reductions	Budget	2015/16	2016/17	2017/18 and
	2015/16	2015/16	2015/16	2015/16	2015/16	2016/17	Future Years
	£000	£000	£000	£000	£000	£000	£000
Children and Families							
Committed Schemes - In Progress	10,065	0	202	10,267	9,577	1,707	948
Committed Schemes at Gate 1 Stage	2,663	0	9	2,672	2,672	1,028	0
Medium Term and Rolling Programme	5,154	0	-79	5,075	5,076	5,481	5,944
Longer Term Proposals	100	0	0	100	100	0	30,975
Adult Social Care and Independent Living							
Committed Schemes - In Progress	484	0	0	484	484	0	0
Committed Schemes at Gate 1 Stage	280	0	60	340	340	0	0
Medium Term and Rolling Programme	1,128	0	0	1,128	1,128	800	800
Commissioning Services:							
Leisure							
Committed Schemes - In Progress	10,332	0	400	10,732	9,732	1,000	0
Committed Schemes at Gate 1 Stage	500	0	0	500	500	3,150	5,065
Longer Term Proposals	0	0	0	0	0	250	0
Environment							
Committed Schemes - In Progress	3,099	32	0	3,131	3,131	0	0
Medium Term and Rolling Programme	9,077	0	0	9,077	8,887	7,346	0
Longer Term Proposals	470	4,000	0	4,470	2,470	10,303	0
Highways							
Committed Schemes - In Progress	27,681	30	51	27,762	28,409	7,414	5,000
Medium Term and Rolling Programme	500	-500	0	0	0	12,927	12,637

Service	In-Year	SCE's	SCE's	Revised	Forecast Expenditure		
	Budget	Virements	Virements	In-Year			
	MYR	Reductions	Reductions	Budget	2015/16	2016/17	2017/18 and
	2015/16	2015/16	2015/16	2015/16	2015/16	2016/17	Future Years
	£000	£000	£000	£000	£000	£000	£000
Communities							
Committed Schemes - In Progress	1,415	0	0	1,415	1,225	229	0
Economic Growth and Prosperity							
Committed Schemes - In Progress	28,011	0	-350	27,661	24,312	5,748	2,127
Committed Schemes at Gate 1 Stage	150	500	1,659	2,309	2,159	720	4,650
Medium Term and Rolling Programme	6,295	0	857	7,152	3,494	6,724	2,275
Longer Term Proposals	32,143	-4,000	-200	27,943	15,398	30,768	155,337
Chief Operating Officer							
Committed Schemes - In Progress	15,311	0	-660	14,651	14,698	200	5,997
Committed Schemes at Gate 1 Stage	0	0	660	660	660	300	0
Medium Term and Rolling Programme	608	0	0	608	608	9,903	0
Longer Term Proposals	5,550	0	-1,292	4,258	4,258	0	0
Committed Schemes - In Progress	96,398	62	-357	96,103	91,568	16,298	14,072
Committed Schemes at Gate 1 Stage	3,593	500	2,388	6,481	6,331	5,198	9,715
Medium Term and Rolling Programme	22,762	-500	778	23,040	19,193	43,181	21,656
Longer Term Proposals	38,263	0	-1,492	36,771	22,226	41,321	186,312
Total Net Position	161,016	62	1,317	162,395	139,318	105,998	231,755

Funding Sources	2015/16	2016/17	2017/18 and
	£000	£000	Future Years
Grants	41,369	37,904	123,963
External Contributions	14,836	14,616	21,348
Cheshire East Council Resources	83,113	53,478	86,444
Total	139,318	105,998	231,755

Appendix 5 Approved Supplementary Capital Estimates and Virements up to £250,000

Capital Scheme	Amount Requested £	Reason and Funding Source
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000		
Supplementary Capital Estimates		
Children and Families		
Kitchens block (Gas interlock)	43,845	Contributions from schools delegated budgets towards works being undertaken to improve kitchen facilities
Suitability/Minor Works/Accessibility Block Provision - Lindow Primary School	20,784	Works to be undertaken at Lindow Primary School , funded from contributions from the school and the SEN Support budget, to adapt the school to better enable the one to one support of children with special needs
CyPad Tablets	180,000	To introduce CyPad Tablets within Catering services at schools, funded from a revenue contribution
Adult Social Care and Independent Living		
Adults Case Management	60,000	Additional Grant funding has been secured to fund the ongoing development of the Adults Case Management System.
Leisure		
Squash Court Refurbishment - Macclesfield	6,117	The budget has been re-instated to cover the final stages of the project
Highways		
Capacity enhancement - A534 Nantwich Rd	51,000	Demolition costs of 22 South Street to assist with the traffic management amendments to Pedley Street and Gresty Road, to be funded by S106 contributions

Capital Scheme	Amount Requested £	Reason and Funding Source
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000		
Supplementary Capital Estimates		
Economic Growth & Prosperity		
Central Heating Fund	180,340	Fully funded by a specific grant for an energy efficiency project, to be spent by 30 June 2016
NEA Technical Innovation Fund	198,822	Funding has been secured from National Energy Action for energy innovation in domestic properties, to trial the use of energy storage devices with solar panels and for full insulation of park homes.
Regeneration & Development Prog	5,000	Police Crime Commissioner Funding of £5,000 for Macclesfield regeneration
Chief Operating Officer		
Asset Management Maintenance Programme	25,000	Insurance settlement for wall repairs at Tatton Park following an accident
Total Supplementary Capital Estimates	770,908	

Capital Scheme	Amount Requested £	Reason and Funding Source
Capital Budget Virements		
Children and Families		
Lacey Green PS - Basic Need	6,585	Virements of Capital Maintenance grant to meet the cost of feasibility works incurred on this project
Kitchens block (Gas interlock)	76,806	Contributions from schools Devolved Formula Capital Allocations towards works being undertaken to improve kitchen facilities
Manor Park - Basic Needs	7,201	Virement to merge projects relating to Manor Park Primary School
Ngage Provision - Alternative Pupil Referral Unit	1,524	Virement to reallocate residual grant from Suitability/Minor Works/Accessibility Block Provision
Suitability/Minor Works/Accessibility Block Provision - Shavington Primary School	41,000	Virement to merge projects relating to Shavington Primary School
Universal free school meals	2,800	Contributions from schools Devolved Formula Capital Allocations towards works being undertaken to improve kitchen facilities
Children's Financials	10,000	Virement to meet the costs of integration between between the Liquidlogic and ContrOCC systems for case management and finances
Capital Maintenance Central Allocation	27,267	Residual grant from the completed schemes at Buglawton and Mossley CofE Primary Schools and Ruskin High School
Total Capital Budget Virements Approved	173,183	
Total Supplementary Capital Estimates and Virements	944,091	

Appendix 6 Request for Supplementary Capital Estimates and Virements above £250,000

Capital Scheme	Amount Requested £	Reason and Funding Source
Cabinet are asked to approve the Supplementary Capital Estimates and Virements above £250,000 up to and including £1,000,000		
Supplementary Capital Estimates		
Leisure		
Lifestyle Centre Crewe	5,400	Transfer of budget from Adults for the Sensory Room at Crewe Lifestyle Centre, this is grant funded.
	10,000	Revenue contribution from Adults for the Medical Room changes.
	379,000	Additional budget required as part of the contingency costs. If the budget is not required at the end of the project it will be returned to the capital programme. This decision was endorsed at the Executive Monitoring Board meeting on the 23rd September 2015.
Total Supplementary Capital Estimates Requested	394,400	

Capital Scheme	Amount Requested £	Reason and Funding Source
Cabinet are asked to approve the Supplementary Capital Estimates and Virements above £250,000 up to and including £1,000,000		
Capital Budget Virements		
Children and Families		
Hollinhey Primary School	250,766	This virement is for the condition works at Hollinhey Primary School, approved at Gateway 1 and will be fully funded by Grant.
Economic Growth & Prosperity		
Handforth Mitigation Package	400,000	The Handforth Mitigation Package and A6 Corridor Improvements projects both relate to the same project. This virement from the A6 Corridor Improvements project will bring the Handforth Mitigation Package project upto the level of grant funding available from Stockport MBC. The scheme will be renamed "SEMMMS Mitigation (Disley/Handforth)".
Chief Operating Officer		
Schools Capital Maintenance	960,176	Children's Services allocate, to Facilities Management, a sum of money each year from the Capital Maintenance Grant for essential schools maintenance works. Historically this has been incorporated into the block allocation for non schools buildings. For reasons of future transparency, a separate project has been set up for the schools works afunded by the grant allocation.
Total Capital Budget Virements Requested	1,610,942	
Total Supplementary Capital Estimates and Virements	2,005,342	

Appendix 7 Request for Supplementary Capital Estimates and Virements above £1m

Capital Scheme	Amount Requested £	Reason and Funding Source
Cabinet are asked to request Council to approve the Capital Virements and SCEs over £1,000,000		
Supplementary Capital Estimates		
Economic Growth & Prosperity		
Crewe Green Roundabout	5,000,000	This is a new scheme for a five armed roundabout that will ensure that once the new Crewe Green Link Road opens in early 2016 the increased traffic flow will not cause additional congestion at this junction. The scheme is fully funded by Local Growth Grant funding and S106 contributions
Middlewich Eastern By-pass	1,200,000	This project will utilise the Local Growth Funding already received by the Council to start preliminary work on the proposed by-pass in Middlewich to ease the pinchpoint areas from Junction 18, via Midpoint 18 through to the surrounding routes out of Middlewich.
Total Supplementary Capital Estimates Requested	6,200,000	

Capital Scheme	Amount Requested £	Reason and Funding Source
Cabinet are asked to request Council to approve the Capital Virements and SCEs over £1,000,000		
Capital Budget Virements		
Economic Growth & Prosperity		
Regeneration & Development Programme	1,792,123	The Council's regeneration programme is focussed on realising the potential of Cheshire East. This budget virement aligns the budget for both the Macclesfield Town Redevelopment and the existing regeneration and development programme in to one budget. This scheme is funded by Cheshire East Resources
Total Capital Budget Virements Requested	1,792,123	
Total Supplementary Capital Estimates and Virements	7,992,123	

Appendix 8 Capital Budget Reductions

Capital Scheme	Approved Budget £	Revised Approval £	Reduction £	Reason and Funding Source
Cabinet are asked to note the reductions in Approved Budgets				
Education Strategy				
Springfield Special School (School Funded Project)	1,252,000	1,146,903	-105,097	Reduction of schools contribution as the budget is no longer required
Suitability/Minor Works/Accessibility Block Provision - Buglawton and Mossley CofE Primary Schools	1,470,827	1,462,151	-8,676	Reduction in budget is required as the project is now complete
Economic Growth & Prosperity				
Crewe Rail Exchange	6,963,838	6,614,129	-349,709	This project is now complete and has been handed over. This residual budget was to be funded by external funding and will no longer be received
A6 Corridor Improvements	1,600,000	600,000	-1,000,000	The full budget approval is no longer required due to the revised SEMMMs Mitigation scheme
Total Capital Budget Reductions	11,286,665	9,823,183	-1,463,482	

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. The maximum amount and duration of investments with any institution depends on the organisations credit rating, the type of investment and for banks and building societies, the security of the investment. Generally credit rated banks and building societies have been set at a maximum value of £5m for unsecured investments and £10m for secured investments. Any limits apply to the banking group that each bank belongs to. Limits for each Money Market fund have been set at a maximum value of £10m per fund with a limit of 50% of total investments per fund although operationally this is limited to 10% in line with updated guidance. 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. Due to their smaller size, unrated Building Societies have a limit of £1m each.
2. The limits in the Treasury Management strategy also apply to investments in foreign banks subject to an overall limit of 40% of our total investments in foreign countries and a limit of £10m per country. Foreign investments held at 30th September 2015 total £10m over four countries.
3. To maintain diversification of investments over a broader range of counterparties, the Council is also investing with other Local Authorities and some unrated Building Societies on advice from our treasury advisors who are monitoring their financial standing in the absence of any normal credit rating.
4. Banks' credit ratings are kept under continual review. There have been some changes in 2015/16 following the regulatory changes and withdrawal of Government support although these changes have not been as severe as expected. Government support has generally been replaced by greater loss absorbency capability. However, as the impact of any bank failure on Council investments is now greater, the following measures are being taken to reduce the risk of being bailed in:
 - a. Invest in more secure financial instruments such as Covered Bonds and Repurchase Agreements (REPO's)
 - b. Invest in highly rated Corporate Bonds which will not be subject to any 'bail-in risk'
5. Covered Bonds are fixed period investments (typically three to ten years) which are tradeable and where the investment is backed by collateral. These bonds are exempt from any 'Bail-in' requirements and gives the Council protection in the event the Counterparty gets into difficulties. Bonds are rated depending on their collateral so it is possible that a bond is acceptable to the Council where an unsecured deposit would not be.
6. REPO's are where the Council purchases assets from a counterparty with an agreement that the counterparty repurchases those assets on an agreed future date and at an agreed price. The future price will include interest on the investment. The assets purchased will vary in value over the term of the trade so a third party is used (at the cost of the other party, not the Council) to hold those assets on our behalf and obtain additional assets if the value falls below the level of the investment at any time. It is the quality of the purchased assets that governs

the credit quality of the investment rather than the actual counterparty. The Council is making arrangements with Clearstream who can provide the third party facilities and are internationally regarded.

7. **Chart 1** shows an analysis of the investments by counterparty type. A full analysis of the types of investment and current interest rates achieved is given in **Table 1** with the maturity profile in **Chart 2** which also shows the value of investments potentially subject to bail-in in the event of counterparty failure and those which are exempt from bail in requirements.

Chart 1 – Current Investments by Counterparty Type

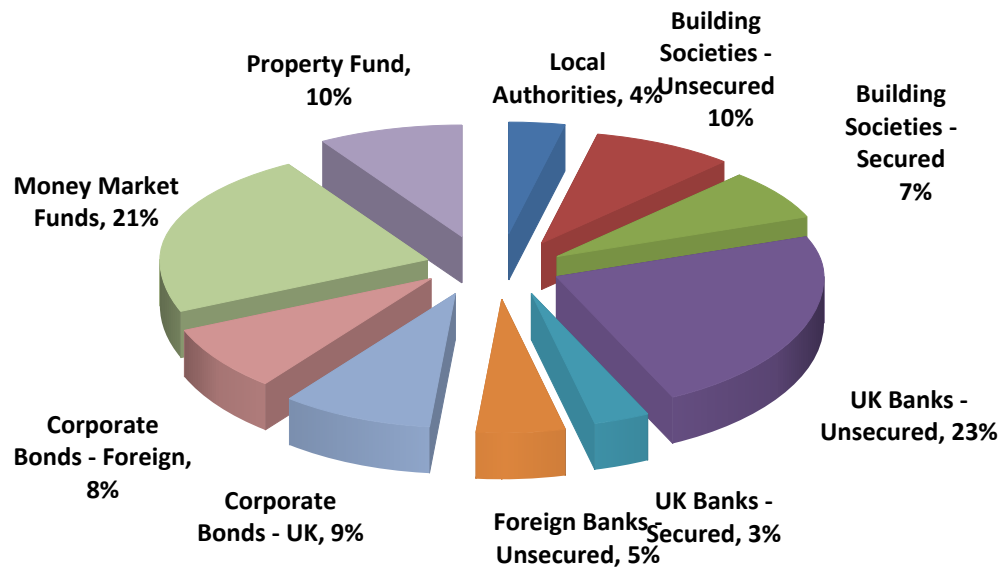


Table 1 – Types of Investments and Current Interest Rates

Instant Access Accounts	Average Rate %	£m
Instant Access Accounts	0.45	2.5
Money Market Funds	0.43	15.4

Notice Accounts	Notice Period	Average Rate %	£m
Lloyds Bank	180 days	0.75	3.0

Fixed Term Deposits (Unsecured)	Start	Maturity	Rate %	£m
Standard Chartered CD	01/04/2015	01/10/2015	0.82	5.0
Lancashire County Council	25/06/2015	18/12/2015	0.47	3.0
Nationwide Building Society	31/07/2015	18/01/2016	0.64	2.0
Landesbank Hessen-Thuringen CD	31/07/2015	29/01/2016	0.70	2.0
Nationwide Building Society	03/08/2015	18/01/2016	0.62	1.0
Lloyds Bank	03/08/2015	18/03/2016	0.77	2.0
National Counties Building Society	05/08/2015	13/11/2015	0.54	1.0
Santander UK	05/08/2015	29/01/2016	0.72	2.8
Cumberland Building Society	13/08/2015	18/11/2015	0.53	1.0
Vernon Building Society	28/08/2015	04/12/2015	0.53	1.0
Close Bros	11/09/2015	11/03/2016	0.60	2.0
Santander UK	22/09/2015	18/03/2016	0.67	1.0
Mansfield Building Society	25/09/2015	18/03/2016	0.72	1.0
Santander UK	28/09/2015	24/03/2016	0.67	1.3

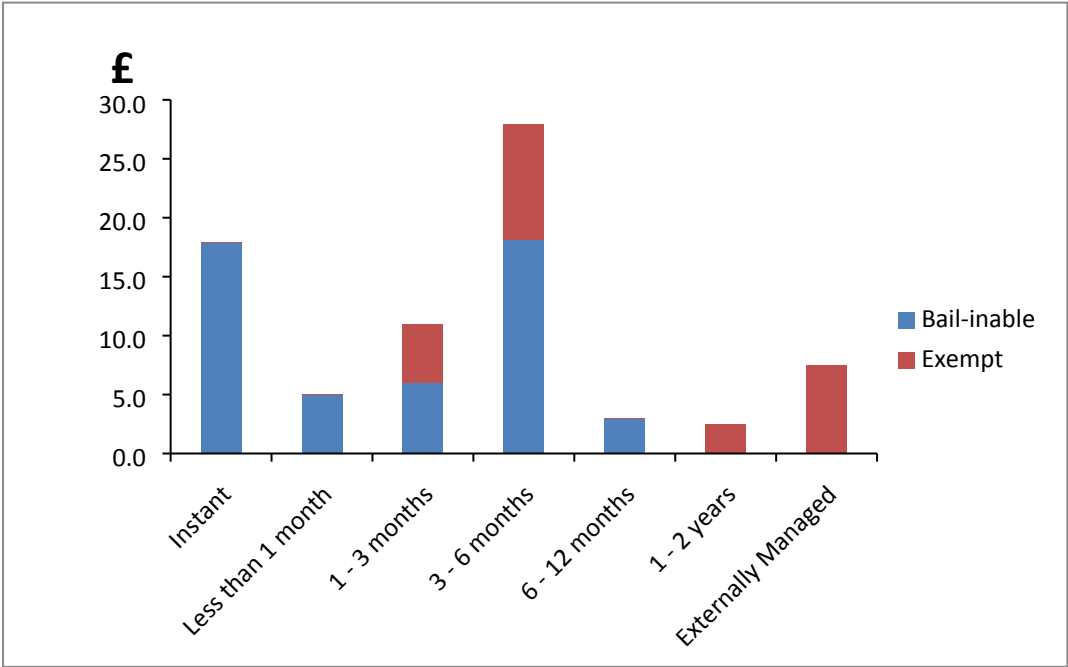
Secured Deposits	Start	Maturity	Rate %	£m
Yorkshire Building Society	05/11/2014	16/03/2016	0.73	3.0
Yorkshire Building Society	16/12/2014	16/03/2016	0.73	2.0
Bank of Scotland	17/06/2015	08/11/2016	0.84	2.5

Corporate Bonds	Start	Maturity	Rate %	£m
Volkswagen Financial Services	27/04/2015	23/05/2016	0.90	3.0
Heathrow Funding Ltd	08/05/2015	31/03/2016	0.90	2.8
Daimler International Finance	21/07/2015	10/12/2015	0.88	2.0
United Utilities	22/07/2015	29/12/2015	1.02	3.0
GE Capital UK Funding	28/08/2015	18/01/2016	1.08	1.0
Heathrow Funding Ltd	01/09/2015	31/03/2016	1.02	1.0

Externally Managed Funds	£m
Property Fund	7.5

Summary of Current Investments	£m
TOTAL	74.8

Chart 2 – Maturity Profile of Investments



Appendix 10 Requests for Allocation of Additional Grant Funding

Service	Type of Grant	£000	Details
Economic Growth and Prosperity	Neighbourhood Planning Grant (General Purpose)	35	A grant of £35,000 is to be provided to the Council by the Department for Communities and Local Government for four designated Neighbourhood Areas. This is to support these local communities to prepare a neighbourhood plan. This is the first designation this financial year. The grant is not ring fenced to Neighbourhood Planning so can be used to support the wider Spatial Planning function.
Total		35	

Appendix 11 Debt Management

1. 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.
2. Annually, the Council raises invoices with a total value of around £50m. This includes around £25m in Adult Social Care relating to client contributions towards care packages and income from Health on pooled budget and partnership arrangements.
3. Total Invoiced Debt at the end of September 2015 was £12.8m. After allowing for £2.7m of debt still within the payment terms, outstanding debt stood at £10.1m. This is £1.9m higher than at the end of the first quarter and is largely within the Adult Social Care area.
4. The total amount of service debt over six months old is £2.4m which is broadly in line with the end of the first quarter.
5. Services have created debt provisions of £2.7m to cover this debt in the event that it needs to be written off.
6. 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.

	Outstanding Debt £000	Over 6 months old £000	Debt Provision £000
Children & Families	268	13	13
Adult Social Care & Independent Living	8,291	1,807	2,133
Public Health & Wellbeing	4	0	0
Economic Growth & Prosperity	425	154	113
Chief Operating Officer: Commissioning Services:			
Environmental	362	116	116
Highways	403	291	291
Leisure	11	0	0
Communities	36	17	17
Other	257	38	62
	10,057	2,436	2,745

Appendix 12 Earmarked Reserves

Name of Reserve	Opening Balance 1 st April 2015 £000	Forecast Movement in 2015/16 £000	Estimated Balance 31st March 2016 £000	Notes
Children & Families				
Long Term Sickness	350	0	350	Carried forward surplus of contributions paid by schools ~ operated as a trading account.
Education All Risks (EARS)	343	0	343	Carried forward surplus of contributions paid by schools ~ operated as a trading account.
Children's Social Care	377	-277	100	To support implementation of Children's Social Care bill.
Early Intervention Initiatives	0	150	150	A recommendation to set up this reserve at £500,000 will be considered by Council on 22 October. Planned use in year of £350,000 to develop and implement a plan to improve the emotional health and wellbeing of young people.
Adult Social Care & Independent Living				
Extra Care Housing PFI	1,681	198	1,879	Surplus grant set aside to meet future payments on existing PFI contract which commenced in January 2009.
Individual Commissioning	309	-309	0	To provide capacity to perform Deprivation of Liberties and Best Interest reviews of care customers following recent case law.
NHS Section 256	3,535	-3,535	0	To support adult social care which also has a health benefit, as agreed with Eastern Cheshire and South Cheshire Clinical Commissioning Groups and governed by Cheshire East Health and Wellbeing Board.
Public Health	1,972	-1,172	800	Ring-fenced underspend to be invested in areas to improve performance against key targets. Including the creation of an innovation fund to support partners to deliver initiatives that tackle key health issues.
Environmental				
Crematoria	160	-160	0	Mercury abatement income set aside to fund potential replacement cremators as per the capital programme.

Name of Reserve	Opening Balance 1 st April 2015 £000	Forecast Movement in 2015/16 £000	Estimated Balance 31st March 2016 £000	Notes
Highways				
Winter Weather	240	120	360	To provide for future adverse winter weather expenditure.
Communities				
Communities Investment	1,788	-1,363	425	Amalgamation of promoting local delivery; grant support; new initiatives and additional funding from outturn to support community investment.
Emergency Assistance	845	-400	445	Carry forward of underspend on previous years' schemes to provide for future hardship payments.
Economic Growth & Prosperity				
Building Control	168	0	168	Ring-fenced surplus (could be used to offset service deficit, if applicable)
Tatton Park	222	0	222	Ring-fenced surplus on Tatton Park trading account.
Economic Development	141	0	141	Support for town centres and economic development initiatives.
Planning Costs and Investment Service Structure	1,000	-1,000	0	To meet potential costs within the Planning Service and Investment Service Structure.
Chief Operating Officer				
Elections	604	-604	0	To provide funds for Election costs every 4 years.
Climate Change	67	-67	0	Renewable Energy project.
Insurance & Risk	2,695	305	3,000	To settle insurance claims and manage excess costs.
Investment (Sustainability)	8,681	-7,622	1,059	To support investment that can increase longer term financial independence and stability of the Council.
Pension Contributions	173	-173	0	To meet impact of reduced workforce on fixed contribution to Past Service Pensions deficit.
Business Rates Retention Scheme	4,648	3,552	8,200	To manage cash flow implications as part of the Business Rates Retention Scheme. Includes liabilities that will not be paid until 2016/17.
Financing	4,820	0	4,820	To provide for financing of capital schemes, feasibility studies, and other projects and initiatives.

Name of Reserve	Opening Balance 1 st April 2015 £000	Forecast Movement in 2015/16 £000	Estimated Balance 31st March 2016 £000	Notes
Cross Service				
Trading Reserve	36	-36	0	The Authority's share of ASDVs net surplus to be spent in furtherance of the ASDV's objectives.
Service Manager carry forward	5,244	-3,615	1,629	Allocations for Cost of Investment or grant funded expenditure.
Revenue Grants - Dedicated Schools Grant	8,184	-8,184	0	Unspent specific use grant carried forward into 2015/16.
Revenue Grants - Other	2,733	-1,570	1,163	Unspent specific use grant carried forward into 2015/16.
TOTAL	51,016	-25,762	25,254	

Notes:

1. Figures exclude Schools balances of £7.499m at 1st April 2015

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Cheshire East Council

Council Meeting

Date of Meeting: 17 December 2015

Report of: Head of Legal Services and Monitoring Officer

Subject: Report by the Local Government Ombudsman

Portfolio Holders Councillors Janet Clowes and Paul Findlow

1 Report Summary

- 1.1 On 6 August 2015 the Local Government Ombudsman (LGO) made public a report detailing their findings into a complaint made against Cheshire East Council.
- 1.2 The LGO found fault causing injustice and made a number of recommendations.
- 1.3 This report to Council fulfils the requirement to present the LGO findings to Council as required by the LGO.
- 1.4 The appendix to this report contains the LGO's Investigation Report in respect of a complaint made.
- 1.5 Regular updates have been provided to the LGO and a meeting is scheduled in January 2016 to review the action taken to date.

2 Recommendation

- 2.1 That Council notes and considers the content of this report.
- 2.2 That Council notes the actions taken subsequent to the LGO findings.

3 Background

- 3.1 Mr Y is in his early twenties and was a student when he suffered a serious spine injury in August 2013. Mr Y has been left significantly disabled as a result of his accident.
- 3.2 Cheshire East Council completed a social care assessment of need and Mr Y was identified as needing 76 hours of support each week. This was identified as an allocated personal budget for Mr Y to use to arrange his care and support
- 3.3 Mr Y elected to take his allocated personal budget as a Direct Payment meaning that he would be issued with the budget as a payment for him to arrange his own care subject to agreement by officers in Adult Social Care.
- 3.4 Mr Y wished to employ his mother Mrs X as his Personal Assistant to meet his care and support needs. The Direct Payment Regulations 2009 excludes the payment being used to pay for care from a close family member living in the same household unless in exceptional circumstances. The Care Act 2014 which came into force in April 2015 continued to uphold this position.
- 3.5 The officers involved in this case considered the request at length. A decision was subsequently reached that for a temporary period the Council would agree to this request and deemed the situation to be exceptional circumstances.
- 3.6 Officers did however have concerns with the proposed care plan and concluded that it would not be appropriate for one person to deliver 76 hours of care each week. Officers used the 'working time directive' as a guide to determine what they would consider as an appropriate number of hours for one carer to be able to deliver each week.
- 3.7 Mr Y did not wish to employ any other carer to meet his needs. Officers concluded that it would be inappropriate to allow Mrs X to be employed for longer than 48 hours. They made the budget available for the remaining hours of care but only if Mr Y arranged an alternate way of having his care needs met.
- 3.8 Officers accept that the time delay involved in reaching a decision in this matter was unacceptable.
- 3.9 Mr Y employed his mother for the 48 hours per week that had been agreed but chose not to access any additional care or support from any other care provider or personal assistant.
- 3.10 Mrs X raised a complaint with the Council and subsequently with the LGO resulting in the findings in the report attached to this report.

4 LGO Findings and Recommendations

- 4.1 The LGO report attached provides the detailed findings and recommendations. The Council agreed to carry out all the recommendations as detailed.
- 4.2 The report details the Council had at the time of making the report public already agreed an appropriate remedy with Mr Y and Mrs X.
- 4.3 The Council apologised to Mr Y and his mother Mrs X for the faults identified.
- 4.4 The Council has continued to work with Mr Y in reassessing his needs and continues to work with him to develop a sustainable care and support plan which will meet his needs in the longer term.
- 4.5 Officers have reviewed processes and procedures and have written new guidance for staff in relation to assessment and support planning which includes risk assessment.
- 4.6 The Council are scheduled to report back to the LGO in January 2016.

5 Legal Implications

- 5.1 This report complies with the requirements of Section 31 of the Local Government Act 1974.
- 5.2 In compliance with Section 30 of the 1974 Act the Council issued a public notice in the Macclesfield Express and the Crewe and Nantwich Guardian week commencing 3 August 2015. Copies of the LGO report were also made available at Delamere House in Crewe and Macclesfield Town Hall from Monday 10 August 2015.

6 Financial Implications

- 6.1 These are referred to in the summary document appended to this report.

7 Background Papers

- 7.1 The report of the LGO (ref 14 005 078)

8 Contact Information

Contact details for this report are as follows:

Name: Anita Bradley

Designation: Head of Legal Services and Monitoring Officer

Tel No: 01270 685850

Email: anita.bradley@cheshireeast.gov.uk

Report by the Local Government Ombudsman

Investigation into a complaint against Cheshire East Council (reference number: 14 005 078)

22 July 2015

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Investigation into complaint number 14 005 078 against Cheshire East Council

Contents

Report summary	1
Introduction	2
Legal and administrative background	2
How we considered this complaint.....	4
Investigation	4
Conclusions.....	9
Decision	13
Recommended action.....	13

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms X - the complainant's mother and representative

Mr Y - the complainant

Report summary

Adult Social Care

Ms X complains on behalf of her adult son, Mr Y, who suffered spinal injuries playing sport in 2013. Ms X's complaint is about how the Council decided what care Mr Y needed; in particular the way the Council dealt with Mr Y's request to employ his mother as his carer using direct payments. The Council's decisions meant that while it had assessed Mr Y as needing 76 hours of care per week, the direct payment agreement it set up was for 48 hours care per week.

Finding

Fault found causing injustice and recommendations made.

Recommendations

To remedy the injustice caused the Council should within the timescales stipulated at the end of this report:

1. Apologise to Mr Y and Ms X for the faults identified.
2. Review its procedures.
3. Develop a risk assessment framework for support planning and provide a copy to the Ombudsman.
4. Provide training and / or written guidance to staff.
5. Retake its decision whether Mr Y can employ Ms X for more than 48 hours per week taking into account Government guidance on balancing choice and risk.
6. Discuss and update Mr Y's support plan and direct payment agreement to include his social hours and share it with him.
7. Pay Ms X the equivalent cost of the 76 hours per week care she has provided from 6 January 2014 until the date it retakes its decision about the number of hours Mr Y may employ her.
8. Pay £250 to Mr Y in recognition of the uncertainty and distress caused by the Council.
9. Pay £250 to Ms X in recognition of the uncertainty and distress caused by the Council.
10. Pay Ms X £100 for her time and trouble in bringing the complaint.

The Council has agreed to carry out these recommendations.

Introduction

1. Ms X complains on behalf of her adult son, Mr Y, that the Council's social services team:
 - delayed in completing an assessment of need for Mr Y
 - delayed in deciding how many hours care Mr Y needed
 - delayed in deciding whether Mr Y could employ Ms X as his carer using direct payments under the Council's policy
 - wrongly limited the number of hours Mr Y could employ Ms X as is carer by reference to the Working Time Regulations
 - failed to provide satisfactory advice about direct payments and flexibility, choice and risk.

Legal and administrative background

2. Councils have duties to make care arrangements for disabled persons under:
 - a. Section 21 of the National Assistance Act 1948
 - b. Section 2 of the Chronically, Sick and Disabled Persons Act 1970
 - c. Section 47 of the National Health Service and Community Care Act 1990.
3. Section 47 of the National Health Service and Community Care Act says a Council has a duty to carry out a community care assessment when a person comes to its attention that may be in need of services.
4. The Community Care (Delayed Discharges Act) places a duty on the health service to notify the Local Authority where a patient or their carer may be in need of services on discharge from hospital.
5. The basis for Councils to provide community care services via direct payments is set out in:
 - a. Section 57 of the Health and Social Care Act 2001
 - b. The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations, 2009 ['The Regulations']
 - c. Department of Health guidance: '*Guidance on Direct Payments for community care, services for carers and children's services*', 2009 ['The Guidance'].
6. The Regulations and Guidance say a Council cannot allow people to use direct payments to secure services from a close relative with whom they live unless '*it is necessary to meet a person's needs*'.

7. The Guidance says:
 - a. support planning and direct payments should empower individuals to make their own informed decisions, including decisions about risk; and
 - b. decisions about choice and risk must be accurately recorded in writing (*paragraph 97*).
8. The Department of Health has issued guidance: *'Independence, choice and risk: a guide to best practice in supported decision making'*, 2007. This says Councils should adopt a framework for risk assessment that takes into account that:
 - a. An individual with mental capacity who chooses to live with a level of risk is entitled to do so but a Council does not have to fund it
 - b. There needs to be a robust process whereby conflict about acceptability of risk can be properly debated and resolved
 - c. Services may need to intervene where one person's choice places unmanageable responsibility on another (for example a carer)
 - d. Risk management is not about bureaucratic back covering or hiding behind legislation
 - e. When a difficult decision has to be made a risk assessment should:
 - i. Identify hazards
 - ii. Decide who might be harmed and how
 - iii. Evaluate risks and decide on precautions
 - iv. Record findings and act on them
 - v. Review and update if necessary

'These provide a framework to achieving the delicate balance between managing risks posed to the carer's own well-being against the pressures of their caring role and the needs and rights of the person using care services' (paragraph 2.36).
9. Government guidance *'Putting People First'*, 2010 says if after an assessment a person is eligible for services, a support plan should be discussed and agreed and a copy given to the service user.
10. The Working Time Regulations 1998 ['WTR'] say an employee should not work more than 48 hours a week, unless they choose to. The law does not apply to domestic servants in a private household or to unmeasured working time. Unmeasured working time is where the duration of a worker's time is not measured or predetermined, or can be determined by the worker herself, for example family workers.

How we considered this complaint

11. This report has been produced following the examination of relevant documents provided by the complainant and the Council and from information provided by Ms X by telephone.
12. The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

Investigation

Factual background

13. Mr Y was a full time student at university when he received a serious spinal injury playing sport in September 2013.
14. Ms X is Mr Y's mother. Ms X is a single parent who was in employed work before her son's injury. Ms X gave up work to become her son's carer.
15. The hospital notified the Council's adult's social services team about Mr Y in September 2013.
16. The Council says it was in contact with the hospital to ensure its own occupational therapist (OT) could become involved at '*the relevant time*'. The Council has provided no records to support this. There is no evidence of involvement by the Council's OT.
17. The hospital discharged Mr Y on 19 December 2013.
18. The Council told us reablement services were available to Mr Y from 19 December 2013. It has not provided any records from the reablement team. The Council says Ms X and Mr Y refused reablement services until 6 January and then would only accept one hour per day for personal care.
19. Ms X told us Mr Y did ask to defer reablement services from 19 December until the New Year. This was so he could settle in at home after a long hospital stay. Ms X denies Mr Y refused services. Ms X says the Council only offered one hour per day, which was inadequate. As Ms X could not leave Mr Y unattended at home all day she had to stop work.
20. Mr Y saw one of the young reablement carers on a night out with friends. Mr Y found this highly embarrassing and after this became reluctant to have Council care staff attend to his personal care needs.
21. The Council says reablement services stopped in January 2014 when Mr Y moved to Oxford for rehabilitation.

22. Ms X told us Mr Y did not have rehabilitation but was offered an eight week course of intensive physiotherapy in Oxford funded by a sports organisation. Mr Y had to be accompanied as the service was not a residential unit or care home. Ms X had to stay with Mr Y in Oxford and meet his care needs for eight weeks. Ms X says the Council offered no support during this period.
23. On 24 February 2014, an occupational therapist at the unit in Oxford encouraged Ms X to approach the Council about social care direct payments for Mr Y. This OT also contacted the Council.
24. The Council assigned Mr Y a social worker (Officer A) on 28 February 2014.
25. Officer A met Mr Y on 19 March. Reablement and agency services were discussed. Mr Y said these services could only offer visits at times which were too restrictive, for example the afternoon visit would be too early. Mr Y asked if Ms X could be his personal assistant (PA).
26. Officer A considered that Mr Y had an argument for declining Council or agency services. As a young man who enjoys socialising with his friends direct payments would give Mr Y more flexibility and choice in meeting his care needs.
27. Officer A referred the request to a more senior colleague (Officer B) to consider whether there were '*exceptional circumstances*' to employ Mr Y's mother.
28. Ms X told us they heard nothing further from the Council until she made a complaint on 13 May 2014 about delay. Officer A discussed the request for Ms X to be Mr Y's PA with Officer B that day. Officer A has recorded that Officer B told her to offer a package of care, not direct payments but did not record Officer B's reasoning.
29. Officer A then told Mr Y that Ms X could not be his PA. Officer A has made a detailed note of this discussion and that Mr Y was upset by it. The notes do not show what reasoning Officer A gave Mr Y for the decision, only that the Council had refused the request.
30. Mr Y again said he did not want a stranger carrying out personal care tasks. He also complained that his mother had given up work to care for him and this was causing financial difficulties. Officer A said Ms X decided this before any involvement from social services.
31. Officers A and B met Ms X and Mr Y on 28 May 2014. Ms X explained she had given up her job to care for Mr Y and felt Mr Y's situation warranted her becoming his PA. Officer B explained the guidelines for employing a family member living with Mr Y and that this was possible in '*exceptional circumstances*'. Ms X felt Mr Y met this test.
32. Officers A and B explained the Council had assessed Mr Y as needing eight hours per day personal care (56 hours per week):
 - a. 2.5 hours morning (washing, dressing, continence, breakfast)
 - b. 1 hour lunch (food preparation and personal care as required)

- c. 1 hour afternoon (preparation evening meal and personal care as required)
 - d. 1 hour night (undressing, catheter care, transfers)
 - e. 1 hour overnight (repositioning, catheter care, reassurance due to spasms)
 - f. 1.5 hours support to access standing frame
33. There was also a discussion about Mr Y receiving extra social hours as part of his care package. The Officers did not give a copy of the assessment or proposed support plan to Mr Y.
34. Officer B said he would discuss Mr Y employing Ms X with his manager (Officer C).
35. On 2 June 2014, the Council assessed that Mr Y should have 20 social hours per week for supported sport and leisure activities as well as the 56 personal care hours. Again, it did not share a written assessment or plan with Mr Y.
36. On 13 June 2014 the Council responded to Ms X's formal complaint about delay and said it hoped to make a decision about employing Ms X and to complete the assessment / care plan soon.
37. Ms X then brought her complaint to the Ombudsman.
38. In June 2014 Officer C advised Officer A that Ms X *'cannot legally work the hours assessed and an alternative needs to be discussed'*.
39. Officer A asked to visit Ms X again. Ms X declined another visit. Officer A explained by telephone that *'legally she could not work the hours Mr Y has been assessed as needing'*. Ms X says Officer A referred to the Working Time Regulations 1998 (WTR) and told Ms X the maximum she could work under WTR was 46 hours.
40. Mr Y was firm he did not want care from any other source. On 1 July 2014 Ms X told the Council she would accept 46 hours via a direct payment and would provide the rest of Mr Y's care without pay. Officer A then advised that direct payments for Mr Y to employ Ms X had not yet been agreed.
41. Ms X told us she agreed to a reduced package because she was by then struggling to pay the mortgage and bills.
42. On 3 July 2014 Officer B asked Officer A to amend the support plan to 46 hours.
43. Officer A then visited Ms X and Mr Y at home on 7 July. Ms X and Mr Y complained about delay. Officer A said the Council had still not decided whether Mr Y could employ Ms X as his PA.
44. Officer A noted Ms X and Mr Y wanted to discuss the 46 hour limit *'as recorded earlier by Team Manager under employment law'*. Ms X said she wanted to opt out of the WTR. Officer A then explained Ms X could not work more than 46 hours as the Council had to consider the impact on her to prevent carer breakdown.

45. At this meeting Mr Y told Officer A he would like to use his social hours to employ his grandfather, or a friend, to escort him to social activities.
46. On 21 July 2014 (after intervention from us about delay) the Council said it would backdate any direct payments it agreed to February 2014.
47. On 11 August the Council told Ms X it would allow her to be Mr Y's PA. It confirmed this in writing on 13 August, but said it would review the position quarterly.
48. On 12 August Ms X again told the Council she wished to opt out of the WTR as Mr Y should receive the full 76 hours of support as assessed. Officer A referred the matter to Officer B to respond. The Council did not provide a response.
49. On 13 August Ms X told us the Council had put direct payments on hold because of our investigation. We told the Council the investigation should not interfere with it putting Mr Y's care package in place.
50. On 28 August, Officer A visited Mr Y to complete the direct payment agreement. Ms X says Officer A had been due to visit on a previous day but had to cancel. Officer A then turned up without an appointment on 28 August when Mr Y was in, but Ms X was not.
51. Ms X told us Mr Y did not want to sign the agreement as he had concerns this would impact on the dispute about assessed hours. When Ms X returned home she discussed the agreement with Mr Y and he agreed to sign it. Officer A had insisted the agreement be returned immediately so Ms X says she hand delivered it. Officer A was not at the office so Ms X left it with a colleague of Officer A.
52. On 10 September 2014, in response to our enquiries, the Council said it had not yet set up the direct payment as Mr Y had refused to sign the agreement. In fact the signed agreement was logged as received by the Council on 2 September. The agreement referred to 47 hours direct payments.
53. We intervened again and the Council agreed it had received the agreement and would now pay the direct payments.
54. The Council recognised there had been unreasonable delay on its part. It received the request for direct payments on 24 February 2014 and would usually expect to complete an assessment in four weeks. It said it would backdate payments to 24 March 2014.
55. Ms X advised us that due to difficulties setting up payroll services there was further delay. Direct payments did not start until October 2014.

The Council's evidence

56. We asked the Council why it had limited the care package using the WTR when:
 - a. It was not the employer, Mr Y would be Ms X's employer using direct payments.
 - b. Ms X had said she wished to opt out of WTR.

- c. There was a lack of legal clarity whether the WTR applies to a carer who is a member of the family and lives in the same house; a carer in Ms X's situation might be considered a domestic servant or providing unmeasured work.
 - d. The WTR limit is 48 hours, not 46 or 47 as it had suggested.
57. The Council told us it did not limit Mr Y's direct payments for legal reasons due to WTR (although it accepts the case notes mistakenly refer to it being a legal matter). It says it has used WTR as a *'guide'*.
 58. The Council told us it cannot support Ms X working more than 48 hours. It does not believe that one carer could provide *'74'* hours of support safely, appropriately and to the standard required. The impact of providing such a level of care on the carer would be significant and the Council was not willing to commission such a service.
 59. The Council told us it would consider additional support from other sources (including from other PAs) when Mr Y felt able to accept such support.
 60. The Council confirmed reference to 46 or 47 hours was an error and it would allow 48 hours.
 61. The Council told us it had referred to the Regulations on direct payments in deciding whether it was acceptable for Mr Y to employ a family member. The Council says as there are *'exceptional circumstances'* in Mr Y's case it has agreed a *'short term'* arrangement for Ms X to act as PA. The Council told us it does not regard Ms X being the PA for her son as a sustainable long term support arrangement. It recognises that, at this stage of Mr Y's recovery, it is the only option he will consider.
 62. The Council told us it has no specific guidance or policy about the maximum hours of work for one carer. It has taken as a guide the WTR in making this decision about what constitutes an appropriate support plan and regime for a carer.
 63. The Council told us that as part of the community care assessment and support planning between March and August 2014 it explored several alternatives with Mr Y and Ms X in *'prolonged discussions'*. This included how direct payments could be used flexibly. It says Ms X and Mr Y were *'very focussed on the option of [Ms X] being the Personal Assistant (PA) for her son and other options were discussed but rejected by them'*.

Ms X's evidence

64. Ms X told us she had to give up work when Mr Y was discharged from hospital with one hour support per day. Her financial position as a single parent with a mortgage was very difficult and made worse by the Council's delay. Ms X says she would have taken some leave from work in any event, but would have expected a care package to be in place much earlier.
65. Ms X says while Mr Y does need a high level of care, as this takes place within the home between a parent and a child, it is different than being in formal employment. She can

take regular breaks and get on with other tasks or activities around the home when Mr Y does not need her.

66. Ms X says the Council was not concerned about her ability to manage the care from December 2013 until October 2014 when it left Mr Y with 1 hour of care per day.
67. Ms X says while she would like Mr Y to consider other carers in the longer term, at present he wants her to attend to his personal care needs. Mr Y has had to come to terms with life changing injuries and needs a period to adjust.
68. Ms X says that while the Council has explained why it will fund 47 (now 48) of the 56 hours per week personal care (due to WTR / carer breakdown), it has not explained why it will not fund the 20 social hours. Mr Y was willing to consider other carers (for example his grandfather) for leisure opportunities and told the Council this.
69. Ms X believes the Council has restricted the care package to 47 (now 48) hours to save costs.
70. Ms X says the Council did not explain how direct payments could be used flexibly. It did not explain hours (particularly social hours) could be used for leisure clubs or services, not only to employ a person.

Conclusions

Fault

Delay

71. Due to an absence of records it is not clear when the Council started assessing Mr Y's needs. While the Council says it was fully involved from September 2013 and helped plan Mr Y's discharge, it has provided no evidence to support this.
72. Mr Y was discharged home with one hour care support per day. There is no assessment or care plan to justify this level of support. It is difficult given the severity of Mr Y's injuries, and the later assessment, to conclude this level of support was appropriate.
73. There is no record of Ms X and Mr Y rejecting support above one hour per day. We would expect such a discussion to have been carefully recorded. Failure to do so is fault. In the absence of records we conclude one hour per day care was offered to Mr Y.
74. The Council did not assess whether Mr Y required support during his stay in Oxford. This is fault. Mr Y would have needed the same level of support when having physiotherapy in Oxford as at home.
75. The Council should have sought input from the Oxford physiotherapist before Mr Y returned home in March 2014. Failure to do so is fault.
76. There is no evidence the Council discussed with Ms X her needs as a carer or how her employment could be sustained with one hour's care per day for Mr Y. This is fault.

77. Ms X had no alternative other than to stop work and care for Mr Y on his discharge from hospital and during his physiotherapy placement in Oxford.
78. The Council started its care assessment on 28 February 2014 but did not provide a decision or written agreement until 28 August 2014, and then only after our intervention. This is fault.
79. There was a long delay by the Council in reaching a decision whether Mr Y could employ Ms X as his PA and in reviewing and reversing that decision (March to August 2014).
80. The Council agrees the assessment and decision process took too long and it should have completed it within four weeks.
81. Even when the Council agreed Mr Y could employ Ms X and offered to backdate payments it wrongly put this decision on hold awaiting our investigation. This is fault. An Ombudsman investigation should not delay a Council putting a support plan in place.
82. The Council then wrongly said Mr Y had not returned the direct payment agreement. This is fault and delayed payment until October 2014.
83. It was clear in September 2013 Mr Y had permanent injuries requiring a very high level of care. Mr Y's long hospital stay and extended physiotherapy placement provided ample opportunity for the Council to have carried out an assessment and put in place a care package before Mr Y returned home. This did not happen and is fault. Mr Y would probably have deferred the start of his care package to 6 January 2014, as he did with reablement services.

Employment of family member

84. On 19 March 2014 Mr Y requested he be allowed to employ Ms X as his PA using direct payments. The Council rejected Mr Y's request on 13 May 2014. No reasons were given or recorded. This is fault.
85. The decision was made during a verbal discussion on the day Ms X complained about delay. It appears the decision was made in the moment without any detailed consideration of the case. Officer A had felt Mr Y had '*an argument*' for employing his mother. There is no evidence to show Officer B weighed up the views of Officer A and Mr Y in reaching his decision. This is fault.
86. The Council has applied a test of '*exceptional circumstances*' for employing Ms X. This is not the test in the Guidance which is whether employing a family member is '*necessary*'. In considering whether it was '*necessary*' to employ Ms X this must require consideration of how Mr Y's care needs would otherwise be met. There is no evidence the Council considered the risks of Mr Y not receiving the care or Ms X providing the care without pay.
87. After the Council reversed its decision, it told the family it would review whether Mr Y could continue to employ Ms X quarterly. It did not tell Mr Y it considered this to be a short term arrangement, although this is what it told us on 10 September 2014. This is fault and leaves Mr Y and Ms X with continued uncertainty.

Care plan

88. Ms X offered to provide the extra care free on 1 July 2014.
89. The Council changed the support plan to 46 hours (as the maximum Ms X could work) on 3 July even though:
- a. Officers had not yet discussed alternatives with Mr Y (as advised by Officer C in June)
 - b. The Council had not decided whether Mr Y could employ Ms X (this decision was not made until 11 August 2014).

This is fault.

90. While the care package was described verbally on 28 May, and the support plan amended on 3 July, the Council did not share a copy with Ms X or Mr Y. The first written confirmation Mr Y received of the hours assessed was when he saw the direct payment agreement on 28 August 2014. This is fault.
91. The direct payment agreement then had the wrong figure of 47 hours. This is fault.

Refusal of Mr Y's direct payment proposal & WTR

92. The Regulations say social care direct payments essentially must be offered where a disabled person is capable of managing them. The Guidance indicates grounds on which a Council can refuse.
93. A Council can refuse to allow direct payments to be spent on a particular service on grounds of risk.
94. The WTR is not in itself a legal basis for a Council to refuse direct payments. A carer can work for more than 48 hours per week if they choose to opt out of the WTR. The WTR is a matter between the employer (service user) and the employee (PA / carer).
95. We conclude the Council did limit the care package to 46 / 48 hours per week because of a mistaken belief it could apply the WTR. This is fault. The Council changed its reasoning to grounds of risk only when Ms X said she would opt out of the WTR and when we questioned the Council's position.
96. When Ms X said she would opt out of the WTR on 12 August 2014, the Council said it would provide a formal response for its reliance on WTR. It failed to do so. The Council only provided a formal response when asked by us to do so.

Choice and risk

97. The Council has now stated it will not support Mr Y employing Ms X for more than 48 hours per week on grounds of risk.
98. A Council can refuse to allow direct payments to be spent on a particular service on grounds of risk, but only if there has been a detailed assessment and discussion about choice and risk.

99. The Council did not carry out a risk assessment or any detailed discussion about the hours of care Ms X could safely and sustainably provide. This is fault.
100. It remains unclear why the Council has decided Mr Y can employ Ms X for 48 hours per week but not 56 hours. We are not satisfied the Council has properly considered whether the nature of the work (in her own home, an element of choice when and how it is delivered, with regular breaks) means 7 hours care per day is acceptable but 8 hours per day is not.
101. We recognise the exceptional circumstances of this case and the efforts of the Council to achieve the best outcome for the person affected and his family in a very difficult situation. This includes consideration of the best interests of Ms X as primary carer.
102. We would not criticise a Council for considering the risks of employing a family member as carer or of carers working unreasonable hours, however the absence of a risk assessment or detailed discussion in this case casts doubt on the decision the Council has reached.

Social hours

103. The assessment determined Mr Y needed 56 hours of personal care per week and 20 social hours.
104. The direct payment agreement is for 48 hours, as the maximum number of hours the Council is willing for one carer to provide.
105. Mr Y was willing to use his social hours to employ his grandfather or a friend to transport him to leisure activities. Some of his leisure needs could also potentially be met through the purchase of services, clubs or subscriptions. The Council has not responded to Mr Y's proposals for his social hours or explained why it has not included these 20 hours in the direct payment agreement. This is fault.
106. We can see no reason the Council has not included the 20 social hours in the direct payment agreement. It should now do so.

Advice about care options

107. The Council told us there were '*prolonged*' discussions with Mr Y between March and August 2014 when it discussed the options of Mr Y employing a PA other than his mother or employing staff via a care agency. We have seen no evidence to support this.
108. There was mention of alternatives on 19 March, but later discussions were limited to the Council defending its decision that Mr Y could not employ Ms X. The support plan had already been changed / reduced to 46 hours on 3 July before Officers visited Ms X and Mr Y on 7 July.
109. Mr Y was resistant to consider alternatives for his personal care hours but there is no evidence the Council discussed the issue in detail, for example whether it could source carers who were not his age. There is also no evidence it discussed how direct payments could be used flexibly to buy services rather than only to employ a person. This is fault.

Injustice

110. Mr Y is a young man who in September 2013 suffered life changing injuries. It was clear from the outset Mr Y would need a significant care package. This should have been in place for when Mr Y was discharged from hospital with services starting on 6 January 2014 (the date Mr Y wanted services to start). The support plan was not set up until October 2014. The social hours element of the support plan has still not been implemented.

111. Failure to plan and provide a suitable care package in a timely way has caused:

- a. distress
- b. financial difficulty
- c. uncertainty
- d. Mr Y's assessed eligible needs not being adequately met
- e. Ms X to stop work and provide 76 hours care per week
- f. time and trouble pursuing the complaint.

112. Ms X and Mr Y still have uncertainty because:

- a. the Council has agreed a short term arrangement for Mr Y to employ Ms X
- b. flaws in the decision making process cast doubt on whether the decision on risk is sound.

113. The Council has offered to backdate direct payments for 48 hours of care per week to 24 March 2014. This is not a sufficient remedy for the faults identified.

Decision

114. There was fault by the Council which caused injustice to Mr Y and Ms X.

115. The Council has accepted the faults in procedure in this case.

116. The Council should take the steps identified below to remedy the injustice.

Recommendations

117. To remedy the injustice caused the Council should:

- a. Within four weeks from the date of this report apologise to Mr Y and Ms X for the faults identified.
- b. Within eight weeks from the date of this report review its procedures to ensure:

- i. care planning where someone sustains severe injuries takes before their discharge from hospital, not after
 - ii. there is an early and full discussion of care options with service users including about direct payments.
- c. Within three months from the date of this report develop a risk assessment framework for support planning taking into account the guidance in '*Independence, choice and risk: a guide to best practice in supported decision making*', (2007) and provide a copy to the Ombudsman.
- d. Within four months from the date of this report provide training and / or written guidance to staff on:
 - i. risk assessment in support planning;
 - ii. the need to have detailed discussions with service users about choice and risk;
 - iii. the importance of record keeping, particularly where disputes arise between service users wishes and what the Council is willing to support / fund;
 - iv. the Working Time Regulations explaining these are not a legal bar to a person working more than 48 hours per week where the person opts out of the Regulations and a risk assessment supports it.
- e. Within four weeks from the date of this report retake its decision whether Mr Y can employ Ms X for more than 48 hours per week by:
 - i. carrying out a risk assessment;
 - ii. discussing the balance of choice and risk with Ms X and Mr Y;
 - iii. providing a written decision with reasons;
 - iv. explaining clearly any implications arising from its new decision about employing Ms X (for example, whether it is a short term arrangement, or a long term arrangement subject to reviews).
- f. Within four weeks from the date of this report discuss with Mr Y:
 - i. how direct payments can be used flexibly to purchase services or items, not only to employ a person;
 - ii. the options for meeting his social needs;
 - iii. whether he can employ his grandfather or friend to transport him to leisure activities;

- iv. how Mr Y's 76 hours of assessed eligible needs can be met if not by employing Ms X, Mr Y's grandfather or Mr Y's friend;
 - v. if he would find it helpful to involve an independent voluntary agency or advocate to support him in planning his care package.
- g. Within four weeks from the date of this report update Mr Y's support plan and direct payment agreement with his social hours and any other changes and share it with him.
- h. Within eight weeks from the date of this report pay Ms X the equivalent cost of the 76 hours per week care she has provided from 6 January 2014 until the date it retakes its decision about the number of hours Mr Y may employ her. This is £788.88 per week using a direct payment rate of £10.38 per hour. The Council may deduct from this figure:
- i. direct payments already paid during this period;
 - ii. Mr Y's assessed financial contribution.

The Council should not deduct any employee deductions, but pay this sum to Ms X by way of an ex gratia payment. This recommendation is not an indication we consider 76 hours an appropriate number of hours for one carer to work. It is an acknowledgement of the amount of care Ms X has, in practice, provided.

- i. Within eight weeks from the date of this report pay £250 to Mr Y in recognition of the uncertainty and distress caused by the Council.
- j. Within eight weeks from the date of this report pay £250 to Ms X in recognition of the uncertainty and distress caused by the Council.
- k. Within eight weeks from the date of this report pay Ms X £100 for her time and trouble in bringing the complaint.

118. The Council has agreed to carry out these recommendations.

COUNCIL MEETING – 17TH DECEMBER 2015**Extract from the Minutes of the Constitution Committee Meeting on
26th November 2015****24 CALENDAR OF MEETINGS FOR 2016-17**

The Committee considered the draft calendar of meetings for 2016-17.

A draft timetable of meetings was attached as Appendix 1 to the report.

It was suggested that for next year's calendar an exercise could be undertaken, possibly involving a Member task and finish group, to see what comparator and neighbouring authorities were doing, identify best practice and assess the implications of holding some meetings in the evening. The officers took note of the suggestion with a view to undertaking an exercise along the lines suggested.

It was also suggested that the Council meetings in the winter months should commence at 11.00 am and not 10.00 am to allow for winter travel conditions.

RESOLVED

That the draft Calendar of Public Meetings for Cheshire East Council 2016-2017 be recommended to Council for approval subject to the following amendment:

- The Council meetings to be held on 15th December 2016 and 23rd February 2017 commence at 11.00 am and not 10.00 am as indicated in the report.

NOTE: the draft timetable appended to the report has been updated to incorporate the amendment agreed by the Constitution Committee.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	26 th November 2015
Report of:	Head of Governance and Democratic Services
Subject/Title:	Calendar of Meetings for 2016-17

1.0 Report Summary

- 1.1 This report includes a draft Calendar of Meetings for Cheshire East Council for 2016-17.
- 1.2 The Committee is invited to recommend the draft calendar to Council for approval.

2.0 Recommendation

- 2.1 That the draft Calendar of Public Meetings for Cheshire East Council 2016 - 2017 be recommended to Council for approval.

3.0 Reasons for Recommendations

- 3.1 The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information Rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The Calendar will assist the Council in meeting these requirements.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All Ward Members

6.0 Policy Implications

- 6.1 None identified.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

- 8.1 There are no specific legal implications other than those identified in the main body of the report.

9.0 Risk Management

- 9.1 A published calendar of meetings enables effective business planning and decision making procedures.

10.0 Background and Options

- 10.1 As set out in its Constitution (Part 4 – Council Procedure Rule 1) the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 10.2 Under Part 3 of the Constitution, the Constitution Committee is responsible for:

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including....administrative arrangements forthe Council and other meetings.”

10.3 Calendar

Attached at Appendix 1 is a timetable of meetings for 2016-17.

10.4 Scheduling of Meetings

The proposed scheduling of meetings for 2016-17 follows the pattern adopted in previous years. As far as possible only one Committee has been scheduled per day and meetings of each Committee have been scheduled on the same weekday were possible.

Scheduling of meetings has taken into account the business planning/performance reporting cycles.

Certain categories of meetings which do not form part of the formal decision-making process will be omitted from the public calendar but will be added to the Members’ diary for convenience. These include Member development sessions and meetings of the Cheshire Fire Authority and Cheshire Police and Crime Panel.

August has been retained for recess except for Cabinet and Planning Meetings.

No meetings have been scheduled on the dates of Cheshire Show (21-22 June 2016), RHS Tatton Flower Park Show (20-24 July 2016) and Nantwich Show (27 July 2016).

10.5 Consultation

The calendar of meetings has been circulated to the following:

- Management Group Board
- Cabinet
- Committee Chairmen
- Group Leaders
- Group Whips

Responses have been received from the consultees and are very briefly summarised as follows:

- No evening meetings scheduled
- Too few public Overview and Scrutiny Committee meetings
- Queries over start time of Council meetings with a suggestion that 11 am would be a better start time in December and February, 6 pm in July and 2 pm in October.

10.6 Council

Meetings of full Council have been scheduled to be held on 11 May 2016 (Annual Council), 28 July 2016, 20 October 2016, 15 December 2016 and 23 February 2016 (Budget Council), with start times of 11 am for Annual Council, 2.00 pm in summer months and 10.00 am in winter months.

10.7 Overview and Scrutiny Committees

Meetings of Overview and Scrutiny Committees have been scheduled on a bi-monthly basis. If there is a specific need for additional meetings, these can be dealt with under existing arrangements.

10.8 Cabinet Meetings:

Cabinet meetings have been scheduled monthly on a Tuesday at 2.00 pm and will take place in the Committee Suite at Westfields to enable the meetings to be webcast. Other venues do not have the requisite ICT connectivity. No other meetings have been scheduled on the same day.

10.9 Portfolio Holder Meetings

Portfolio Holder meetings have not been scheduled into specific dates, but it has been the practice to hold them on Monday mornings and rooms have been reserved at Westfields to allow them to take place. However, meetings will be arranged at the most appropriate venue, following consultation with Portfolio Holders.

10.10 Planning Committees

Strategic Planning Board, Northern Planning Committee and Southern Planning Committee are scheduled on a four weekly cycle of meetings on Wednesday where possible, with any site visits taking place the Friday before the meeting.

The Strategic Planning Board will commence at 10.30 am, with the Northern Planning Committee and Southern Planning Committee commencing at 10.00 am.

10.11 Committees

Audit and Governance Committee, Constitution Committee, Staffing Committee and Public Rights of Way Committee have been scheduled to take place quarterly, with the Licensing Committee to meet five times a year. Provision exists for additional meetings to be called if needed.

- 10.12 Subject to additional recommendations which Members may wish to make, the Committee is asked to refer the calendar to Council at its meeting to be held on 17 December 2015.

11.0 Access to Information

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

Name: Rachel Graves
Designation: Democratic Services Officer
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Email: rachel.graves@cheshireeast.gov.uk

Calendar of Meetings 2016-2017

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Council (Thursday)	11 (11 am)		28 (2 pm)			20 (10 am)		15 (11 am)		23 (11 am)			17 (11 am)
Cabinet Bodies													
Cabinet (Tuesday 2 pm)	3	14	12	9	13	11	8	6	17	7	14	11	9
Portfolio Holders (Monday am)	Monday mornings have been identified as an option for Portfolio Holder meetings but notice will be given as and when these meetings are arranged												
Shared Services Joint (Friday, Winsford)	20		29		23		25		27		24		19
Corporate Bodies													
Constitution Committee (Thursday 2 pm)		23			15		24				23		
Audit and Governance Committee (Thursday 2 pm)		30			29			8			16		
Staffing Committee (Tue/Thu 2 pm)			5			27			26			27	
Appeals Sub Committee (Tue 2 pm)		7 28			6	4	1 22		16	14	7	4	2
Regulatory Bodies													
Licensing Committee (Monday 2 pm)		6			5		7		9		6		
Public Rights of Way Committee (Monday 2 pm)		13			12			5			13		
Strategic Planning Board (Wednesday 10.30 am)	18	15	13	24	21	19	16	14	25	22	22	19	
Southern Planning (Wednesday 10 am)	25	29		3 31	28	26	23	21		1	1 29	26	10
Northern Planning (Wednesday 10 am)	4	1	6	10	7	5	2 30		11	8	8	5	3

Overview and Scrutiny Bodies													
Corporate (Thu 2.00 pm)			7		8		3			2		6	
Health and Adults Social Care (Thursday 10 am)			7		8		3		12		9		
Communities (Thursday 10 am)			14		15		17		19		16		
Environment (Thu 10.30 am/2.00 pm)			14		22		24		26		23		
Children and Families (Mon 2 pm)			25		26		28		30		27		
Jobs, Regeneration and Assets (Mon 2 pm)			18		19		21		23		20		
Others													
Health and Wellbeing Board (Tuesday 2 pm)	31		26		27		29		31		28		
Local Authority School Governor Appointments Panel (Monday 2 pm)			4			17				6			

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	17 December 2015
Report of:	Chief Executive
Subject/Title:	Appointment of Director of Legal Services and Monitoring Officer

1.0 Report Summary

- 1.1 The Staffing Committee met on 30 November 2015 and unanimously resolved that the appointment of Mr. Bill Norman to the position of, Director of Legal Services and Monitoring Officer with appropriate salary, be recommended to Council, with a requirement for the Chief Executive to finalise the offer for full Council.
- 1.2 Subsequently, Cabinet were advised and Group Leaders who were not on the Panel were also advised and were content.

2.0 Recommendation

- 2.1 The Council is invited to endorse the appointment of Mr. Bill Norman, as the Director of Legal Services and Monitoring Officer on an inclusive salary of £90,000 per annum.

3.0 Reasons for Recommendations

- 3.1 In accordance with the Constitution, Council must approve the appointment of the Council's Monitoring Officer, as a Statutory Officer.

4. Wards and Local Ward Members Affected

- 4.1 Not applicable

5.0 Policy Implications

- 5.1 None specifically.

6.0 Financial Implications

- 6.1 This post of Director of Legal Services and Monitoring Officer is an established position within the Council's senior management structure and funded within the Council's staffing budgets.

7.0 Legal Implications

- 7.1 The designation of Monitoring Officer must be approved by Council. The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989.

8.0 Risk Management

- 8.1 Actions have been undertaken in accordance with appropriate policies procedures and scheme of officer delegation.

9.0 Background and Options

- 9.1 The recruitment process for the Director of Legal Services and Monitoring Officer has been conducted by the Staffing Committee.
- 9.2 Five candidates were considered as part of the final selection process, which involved a presentation and a formal interview with the Staffing Committee Members on 30 November 2015.
- 9.3 The Staffing Committee Members unanimously agreed that the position of Director of Legal Services and Monitoring Officer be offered to Mr. Bill Norman.
- 9.4 Up until September 2015, Mr. Norman was employed as Assistant Director, Governance and also the Monitoring Officer at Herefordshire Unitary Council with responsibility for a team of lawyers. He has a total of 27 years experience as a practising solicitor, which after starting his career in private practice in London, includes the last 14 years being a senior lawyer and Monitoring Officer at four different English Councils.

10.0 Access to Information

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

Name: Mike Suarez
Designation: Chief Executive
Tel No: 01270 686017
Email: mike.suarez@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

REPORT TO: Audit and Governance Committee

Date of meeting: 10 December 2015
Report of: Chair of the Audit and Governance Committee
Title: Audit and Governance Committee Annual Report 2014/15
Portfolio Holder: Councillor Peter Groves

1.0 Report Summary

- 1.1 The purpose of the report is for the Committee to consider the draft 2014/15 Annual Report of the Audit and Governance Committee and agree the final version of the report that will go to Council on 17 December 2015.

2.0 Recommendation

- 2.1 That the Committee considers the draft Annual Report 2014/15, as attached (Appendix A) and agree the final version that will go to Council in December 2015.

3.0 Reasons for Recommendation

- 3.1 To report in accordance with the Council's Constitution. The Audit and Governance Committee's Terms of Reference include:
- To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
 - To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external functions.

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Wards Affected

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 Not applicable.

7.0 Financial Implications (Authorised by the Chief Operating Officer)

7.1 None.

8.0 Legal Implications (Authorised by the Head of Legal Services)

8.1 None.

9.0 Risk Assessment

9.1 There is a requirement within the Council's Constitution for the Audit and Governance Committee to submit an annual report to Council. Failure to submit the record would be a breach of the Constitution.

10.0 Background and Options

10.1 Current CIPFA guidance, *Audit Committees, Practical Guidance for Local Authorities and Police* (2013) states that audit committees should report regularly on their work and at least annually report an assessment of their performance. Aspects to consider include:

- whether the committee has fulfilled its agreed terms of reference
- whether the committee has adopted recommended practice
- whether the development needs of committee members have been assessed and whether committee members are accessing briefing and training opportunities
- whether the committee has assessed its own effectiveness or been the subject of a review and the conclusions and actions from that review
- what impact the committee has on the improvement of governance, risk and control within the authority.

10.2 The requirement to submit an annual report is included within Cheshire East Council's Constitution.

11.0 Access to information

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

Name: Councillor Lesley Smetham

Designation: Chair of the Audit and Governance Committee

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Audit and Governance Committee

Annual Report 2014/2015

Introduction by the Chair of the Audit and Governance Committee

I am pleased to present the annual report of the Audit and Governance Committee which outlines the Committee's work and responsibilities for the financial year 2014/15.

I hope that this Annual Report helps to demonstrate to Cheshire East residents and to the Council's other stakeholders the vital role that is carried out by the Audit and Governance Committee and the contribution it makes to the overall governance arrangements at Cheshire East Council. All the meetings are open to the public.

During the year, the Audit and Governance Committee was attended by: the Head of Resources and Stewardship and other senior members of staff, the Corporate Manager of Governance and Audit; and representatives from Grant Thornton, the Council's external auditors. This provides ongoing assurance about the Council's internal controls and systems.

The Audit and Governance Committee has played, and continues to play, a significant part in ensuring that appropriate governance arrangements have been introduced and function properly. This is an important role for the Council, and the new and emerging Alternative Service Delivery Vehicles.

We have continued to successfully develop the self-assessment arrangement. Areas for improvement have been progressed and tailored action plans developed.



Training sessions for Members of the Committee have been delivered. Assessment against the core knowledge and skill's framework is ongoing and has been developed during the year to help inform future training programmes.

I would like express my thanks to those officers and members who have supported the work of this Committee by presenting and discussing reports. The Committee has been well attended during the year with constructive questioning by members of the committee throughout. Issues that have been raised by members have been addressed and reported back to the Committee.

Finally, I would like to take this opportunity to thank Councillor John Wray for his tenure as Chair of the Committee until May this year and wish him every success in his new role with the Council.

Councillor Lesley Smetham
Chair of the Audit and Governance Committee

December 2015

Role and Statement of Purpose of the Audit and Governance Committee**Role of the Audit and Governance Committee**

Audit Committees are an essential element of good governance. Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an Audit Committee, independent from the executive and scrutiny functions.

Effective Audit Committees help raise the profile of internal control, risk management and financial reporting issues within an organisation, as well as providing a forum for the discussion of issues raised by internal and external auditors. They enhance public trust and confidence in the financial governance of an authority.

Statement of Purpose of the Audit and Governance Committee

- 1 The Audit and Governance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2 It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.
- 3 It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- 4 It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 5 It promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

Review of 2014/15

Governance, Risk and Control within Cheshire East Council

The Council's framework of risk management, control and governance is assessed as adequate. (Annual Governance Statement 2014/15)

The Audit and Governance Committee outcomes for monitoring the governance, risk and control framework and arrangements of the Council during the year, include the following:

- Approving the Council's 2014/15 Statement of Accounts.
- Approving the Council's 2014/15 Annual Governance Statement.
- Reviewing the operation and compliance with the Council's Code of Corporate Governance and making recommendations on its content
- Overseeing internal audit's operations and receiving the Head of Internal Audit's Opinion.
- Monitoring the governance arrangements for the Council's Alternative Service Delivery Vehicles.
- Undertaking a self-assessment of the Committee against CIPFA guidance.
- Receiving the External Auditor's Annual Audit Letter, Audit Plans, and any other reports and significant matters deemed necessary by the External Auditor.
- Reviewing the progress and adequacy of management's response to internal and external audit recommendations
- Reviewing reports on the monitoring and review of risk management, to consider the effectiveness of arrangements.
- Monitoring the use of the council's use of its powers under the Regulation of Investigatory Powers Act 2000.

Significant assurances the Committee has received during the year include:

- **2014/15 Financial Statements Opinion (External Audit):** *"We issued an unqualified opinion on the Council's 2014/15 financial statements on 30 September 2015, meeting the deadline set by the Department for Communities and Local Government. Our opinion confirms that the financial statements give a true and fair view of the Council's financial position and of the income and expenditure recorded by the Council."*(October 2015)
- **2014/15 Value for Money Conclusion (External Audit):** *"On the basis of our work, and having regard to the guidance on the specified criteria published by the Audit Commission, we are satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015."* (October 2015)
- **2014/15 Internal Audit opinion:** *"The Council's framework of risk management, control and governance is assessed as adequate for 2014/15."* (June 2015)

Effectiveness of the Committee

The Committee regularly undertakes a formal review of its own effectiveness. The 2014/15 self assessment carried out with the Chair and Vice Chair against the CIPFA guidance, *Audit Committees – Practical Guidance for Local Authorities and Police 2013* and the results reported to the Committee in March 2015. The Committee assessed as compliant or partially compliant against all areas. Actions to ensure the Committee becomes fully compliant are in place, with some already implemented.

The Committee's Terms of Reference based on the CIPFA guidance were approved by Council in May 2014. The Committee's 2014/15 Work Plan was in line with the new Terms of Reference to ensure that the Committee continued to work effectively and fulfil its purpose.

Outline of the Work of the Committee

This annual report sets out how the work of the Committee during 2014/15 has met the Terms of Reference on pages 7 to 11.

Additional Assurance

Additional assurance work requested by the Committee was also provided around emerging issues including;

- Better Care Fund update (November 2014)
- Payments to Directors of Council Owned Companies (November 2014)
- Compliance with Contract Rules of Procedure (November 2014)
- Disclosure of Officer Remuneration in the Statement of Accounts (March 2015)
- Alternative Service Delivery Vehicle Governance and Stewardship (March 2015)
- Managing complaints received by the Local Government Ombudsman (June 2015)

Members of the Committee

Members of the Committee during 2014/15 are set out on pages 12 to 14.

Statutory Requirements, New Guidance and Recommended Practice

During the year, the Committee has carried out a number of statutory requirements such as approving the Financial Statements and approving the Annual Governance Statement. It has also ensured that it is up to date in adopting new guidance and/or recommended practice, including:

- The annual review of the Terms of Reference, based on CIPFA guidance.
- Approving the Internal Audit Charter, based on new Public Sector Internal Audit Standards.
- Undertaking a self-assessment of the Committee, based on new CIPFA guidance.

Training and Development

The following training was carried out during the year:

- Induction for new and existing Members of the Committee
- Statement of Accounts
- Annual Governance Statement

The Member/Officer Groups continued to meet through 2014/15. The groups enable individual Members to become more involved in specific areas of audit and governance work as a means of developing in-depth knowledge and expertise, and cover the following areas:

- Audit
- Financial Statements
- Fraud Management
- Governance
- Risk Management

In addition, Members continued to have access to copies of the CIPFA Better Governance Forum *Audit Committee Update* featuring a round-up of legislation, reports and developments of interest to Audit & Governance Committee Members.

As part of the Committee's self-assessment (reported to the Committee in March 2015), it was recognised that membership of the Committee needed to be assessed against the core knowledge and skills framework included in the new CIPFA guidance on Audit Committees. A training session in early September 2014 was held with a further session covering the knowledge and skills framework delivered in November 2014. Governance and Finance training was delivered May 2015 and September 2015.

Agendas and Minutes

The committee meetings reviewing the key outputs for the 2014/15 financial year were:

- 26th June 2014
- 25th September 2014
- 20th November 2014
- 22nd January 2015
- 19th March 2015
- 25th June 2015
- 24th September 2015

Work programme for 2015/ 2016

The Committee has an agreed work programme for 2015/16, which includes the many annual statutory requirements (e.g. approval of the Statement of Accounts, approval of the AGS etc.) of the Committee and also those regular reports and assurances it receives on External Audit, Internal Audit, Risk Management, Treasury Management, Whistleblowing and other areas. Additionally we will;

- Continue to develop the pro active nature of the Committee to facilitate actions by officers to ensure that risks are identified risks and assurances are identified as early as possible and remedial actions are taken in a timely fashion.
- Oversee the restructuring required of the Audit and Governance Committee to comply with the requirements of the Local Audit and Accountability Act 2014 (including the appointment of Independent Members)
- Continue to review governance arrangements to ensure the Council adopts the latest best practice and moves towards becoming a open and transparent public organisation
- Continue to support the work of internal and external audit and ensure that responses are given to their recommendations
- Oversee the implementation of the Public Sector Internal Auditing Standards
- Continue to help the Council to manage the risk of fraud and corruption
- Continue to develop the Audit and Governance Committee to review the risk and partnership issues and safeguarding public sector assets
- Equip existing and new Members to fulfil our responsibilities by providing more detailed and focused training on all key areas of responsibility, including financial arrangements and risk management, governance and audit planning.

This work programme is regularly reviewed to ensure that the Committee continues to work effectively and fulfil its purpose.

Audit and Governance Committee – How the Terms of Reference have been met in 2014/15: Summary

Terms of Reference of Committee	Relevant activity in 2014/15
Annual Report	
To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.	The December 2015 Audit and Governance Committee meeting has been asked to review and approve the 2014/15 annual report for submission to the December 2015 Council meeting.
Governance, Risk and Control	
To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.	The Committee received and approved an update to the Code of Corporate Governance and also received an update on the Corporate Governance Group's ongoing work on the Governance Framework (both November 2014).
To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.	The Committee received and approved the 2014/15 Annual Governance Statement in September 2015. (2013/14 Annual Governance Statement in September 2014.) An update on progress against previous AGS Action Plans is received each November and endorses the process for the production of the Annual Governance Statement. <i>Note: The draft Annual Governance Statement is brought to Committee in June with the final version to be approved at the September meeting.</i>
To monitor the effective development and operation of risk management in the council.	The Committee received update reports on Risk Management (January 2015 and March 2015).
To monitor progress in addressing risk related issues reported to the committee and to review the assessment of fraud risks and potential harm to the Council from fraud and corruption. To monitor the counter fraud strategy, actions and resources.	The Committee monitors Anti-Fraud and Corruption arrangements on an ongoing basis. The Audit and Governance committee Member/Officer sub group for anti-fraud and corruption discusses and reviews arrangements and current issues as part of their work plan. The Committee considered the Anti-Fraud and Corruption update report in January 2015.

Audit and Governance Committee – How the Terms of Reference have been met in 2014/15: Summary

Terms of Reference of Committee	Relevant activity in 2014/15
To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.	A Treasury Management update report was received by the audit committee in September 2014, and the Treasury Management 2014/15 Annual Report was received in September 2015. The 2015/16 Treasury Management Strategy and Minimum Revenue Position (MRP) Statement was reviewed at the January 2015 committee meeting.
Internal Audit	
To approve the internal audit charter.	The internal audit charter was approved at the November 2014 committee meeting.
To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	<i>Internal Audit:</i> The Committee approved the overall strategy and annual 2014/15 programme of audits (March 2014) and monitored progress against the plan (November 2014, January 2015, March 2015 and June 2015).
To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions. To consider summaries of specific internal audit reports as requested.	Internal Audit interim reports against the 2014/15 plan were received in November 2014 and January 2015, with the 2015/16 Internal Audit Plan received in March 2015. Internal Audit interim reports include a summary of internal audit completed and the significant issues arising from individual assignments.
To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.	The committee are updated in the Head of Internal Audit opinion on the progress made on assessment criteria required to comply with public sector internal audit standards. The Member/Officer sub group for audit covers the requirements in detail and the actions required.
To consider the head of internal audit's annual report.	The Internal Audit Annual Report, including the annual audit opinion was presented to the Committee in June 2015. (The 2013/14 Internal Audit Annual Report was presented to the Committee in June 2014.)

Audit and Governance Committee – How the Terms of Reference have been met in 2014/15: Summary

Terms of Reference of Committee	Relevant activity in 2014/15
To support the development of effective communication with the Head of Internal Audit.	The Head of Internal Audit meets on a regular basis with the Chair and Deputy Chair of the committee. There is also a regular meeting of Member/Officer groups which meet on a regular basis to discuss a variety of assurance issues in more detail. These meetings include the Head of Internal Audit opinion.
External Audit	
To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.	The 2014/15 Audit Findings Report and Review of the Council's Arrangements for Securing Financial Resilience was presented to Committee in September 2015 by the External Auditor. (The 2014/15 Audit Findings Report was reported to the September 2014 meeting). The 2014/15 Annual Audit Letter was issued in November 2015 and will be reported to the December 2015 Committee meeting. (The 2013/14 Annual Audit Letter was reported to the November 2014 meeting.)
To consider specific reports as agreed with the external auditor.	The Committee received and considered the work of the External Auditor (all meetings during the year.)
To comment on the scope and depth of external audit work and to ensure it gives value for money	Audit and Governance Member/ Officer sub group for audit review external audit work throughout the year and assess the value that the Council receives from the work completed and reported.
To commission work from internal and external audit and to advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	The Audit and Governance committee and the Member/Officer sub groups will consider the work plan at all meetings and commission additional work where committee members determine that additional assurance is required. The relationship between internal and external audit is reviewed at least annually together with any requirements to liaise with any other relevant agencies.
Financial reporting	
To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns	The Statement of Accounts 2014/15 was approved at Committee in September 2015. (The Statement of Accounts 2013/14 was approved at Committee in September 2014.)




Audit and Governance Committee – How the Terms of Reference have been met in 2014/15: Summary

Terms of Reference of Committee	Relevant activity in 2014/15
arising from the financial statements or from the audit that need to be brought to the attention of the Council.	
To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	The 2014/15 Audit Findings Report and Review of the Council's Arrangements for Securing Financial Resilience was presented to Committee in September 2015 by the External Auditor. The 2013/14 Annual Audit Letter was reported to the Committee in November 2014. (The 2014/15 Annual Audit Letter will be reported to the Committee in December 2015.)
Related Functions	
To approve and monitor Council policies relating to "whistleblowing" and anti fraud and corruption.	Revised and updated whistleblowing policy arrangements were brought to the committee in June 2014 and June 2015. Fraud and corruption work monitored throughout the year.
To seek assurance that customer complaint arrangements are robust	Annual Report of Corporate Complaints and Local Government Ombudsman's Annual Review 2013/14 presented to Committee in September 2014. Annual Report of Corporate Complaints and Local Government Ombudsman's Annual Review 2014/15 presented to Committee in September 2015.
Standards	
Promoting high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).	Members Code of Conduct Standards Reports updates recording decisions relating to complaints were submitted to the Committee in November 2014, March 2015 and September 2015. Audit & Governance Committee Members have attended Complaints Hearings through the year. A Review of Standards Arrangements for Dealing with Code of Conduct Complaints was received by the committee in September 2015.
Ensuring that Members receive advice and training as appropriate on the Members Code of Conduct.	Members of the Audit & Governance Committee have been advised on the Code of Conduct during the year.

Audit and Governance Committee – How the Terms of Reference have been met in 2014/15: Summary

Terms of Reference of Committee	Relevant activity in 2014/15
Granting dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted Member to participate in a meeting of the Authority.	There have been no requests for individual dispensations during 2014/15. A report to approve the procedure for the recruitment of three Independent Persons to the Council under the Localism Act 2011 was received at the September 2015 committee.

Audit and Governance Committee Members 2015

	<p>Councillor Lesley Smetham (Chair)</p> <p>Councillor Smetham became and elected member of Cheshire East Council since its beginning in April 2009 and was appointed as Chair of the Audit and Governance Committee in June 2015.</p>
	<p>Councillor David Marren (Vice Chair)</p> <p>Councillor Marren became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee since then, being Vice-Chair from January 2012 until the end of the 2011/12 municipal year. Councillor Marren was re-appointed as Vice Chair of the Audit and Governance Committee in June 2015.</p>
	<p>Councillor Chris Andrew</p> <p>Councillor Andrew became an elected member of Cheshire East Council in May 2015, and has been a member of the Audit and Governance Committee since June 2015.</p>
	<p>Councillor Gordon Baxendale</p> <p>Councillor Baxendale has been with Cheshire East Council from April 2009, and has been a member of the Audit and Governance Committee since June 2015.</p>
	<p>Councillor Amanda Stott</p> <p>Councillor Stott became an elected member of Cheshire East Council in May 2015, and has been a member of the Audit and Governance Committee since June 2015.</p>
	<p>Councillor Sam Corcoran</p> <p>Councillor Corcoran became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee since then.</p>

Audit and Governance Committee Members 2015

	<p>Councillor Rod Fletcher</p> <p>Councillor Fletcher has been an elected member of Cheshire East Council since its beginning in April 2009 and has served on the Audit and Governance Committee since May 2011.</p>
	<p>Councillor Martin Hardy</p> <p>Councillor Hardy has been an elected member of Cheshire East Council since its beginning in April 2009. He has served on the Audit and Governance Committee since its inception in June 2010 and was Vice-Chair from May 2011 to January 2012.</p>
	<p>Councillor Andrew Kolker</p> <p>Councillor Kolker has been an elected member of Cheshire East Council since its beginning in April 2009. He served as Vice-Chair of the Governance and Constitution Committee for a time and has been on the Audit and Governance Committee from June 2010 to date.</p>
	<p>Councillor Margaret Simon</p> <p>Councillor Simon has been an elected member of Cheshire East Council since its beginning in April 2009. She has served on the Audit and Governance Committee since its inception in June 2010 and was Chair for the 2010/11 year.</p>
	<p>Councillor John Wray (Chair until June 2015)</p> <p>Councillor Wray has been an elected member of Cheshire East Council since its beginning in April 2009. He joined the Audit and Governance Committee as Chair following the Council meeting on 18th July 2013. Councillor Wray retired from the committee in June 2015 to become the Chair of one the Council's overview and scrutiny committees.</p>
	<p>Councillor Louise Brown</p> <p>Councillor Brown became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee as the Vice-Chair from the 2012/13 municipal year onwards. Councillor Brown stood down as a member of Cheshire East Council in May 2015.</p>

Audit and Governance Committee Members 2015



Councillor Lloyd Roberts

Councillor Roberts became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee from the start of the 2012/13 municipal year. Councillor Roberts retired from the committee in May 2015.

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CHESHIRE EAST COUNCIL

Council

Date of Meeting:	17 December 2015
Report:	Head of Legal Services and Monitoring Officer
Subject/Title:	Extension to the appointment of two Independent Persons

1.0 Report Summary

- 1.1 Council is invited to extend the term of office for those eligible Independent Persons currently appointed to work with the Monitoring Officer and the Audit and Governance Committee on standards matters in accordance with the Council's code of conduct procedure.

2.0 Recommendation

- 2.1 That the term of office for Mr Peter Bryant and Mr Robert Fousert be extended from 31 December 2015 for a period of six months until 30 June 2016.

3.0 Reason for Recommendation

- 3.1 To comply with the requirements of the Localism Act, the Council must have appointed at least one Independent Person to deal with standards matters. Extending the tenure of the eligible Independent Persons will ensure compliance with the Act during a period of recruitment to the post.

4.0 Implications for Rural Communities

- 4.1 Cheshire East Council is responsible for 107 Town and Parish Councils within its borough. Any delay in dealing with complaints due to the absence of an Independent Person could have a detrimental impact on the complaints process.

5.0 Legal Implications

- 5.1 To comply with the requirements of the Localism Act, the Council must appoint at least one Independent Person.

6.0 Risk Management

- 6.1 The absence of an Independent Person would prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

7.0 Background

- 7.1 The Localism Act 2011 requires the Council to appoint one or more Independent Persons whose:

Views must be sought and taken into account by the Council before it makes a finding that any Member has failed to comply with its code of conduct or impose any sanction;

Views may be sought on whether to investigate a complaint and how to deal with a particular allegation;

In addition any Member against whom an allegation has been made (including a town and/or parish councillor) may consult him or her regarding the allegation

- 7.3 Individuals appointed as Independent Persons must be recruited via a formal procedure in line with the Localism Act i.e.

- (i) the vacancy must be advertised in such manner as the authority considers is likely to bring it to the attention of the public;
- (ii) an applicant has to submit an application to fill the vacancy to the authority, and
- (iii) the person's appointment has to be approved by a majority of the members of the authority (i.e. full council).

8.0 Present position

- 8.1 On 19 July 2012, in accordance with Section 28 of the Localism Act 2011, Council appointed four individuals to the post of Independent Person for a period of three years until 31 December 2015. Accordingly, new appointments now need to be made.

- 8.2 Work has commenced on recruiting to the above posts which will not start in earnest until the New Year. This is to avoid the Christmas period with a view to drawing the vacancy to the attention of as wide a range of candidates as possible. As the process will commence after 31 December, arrangements need to be put in place to retain the services of at least one Independent Person during the recruitment process.

- 8.3 The Act prevents any person who has been a past Independent Member of a Council's Standards Committee from being appointed for a second term as an Independent Person, therefore one of the current Independent Persons is not eligible for re-appointment.
- 8.4 Of the other three, one resigned her post in September 2014. Therefore only Peter Bryant and Robert Fousert are eligible for re-appointment. It is proposed that their term of office be extended to enable the complaints process to continue to function.

9.0 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

Council

Date of Meeting:	17 December 2015
Report of:	Standards Hearings Sub-Committee
Subject/Title:	Outcome of Standards Hearing

1.0 Report Summary

- 1.1 To report the outcome of a standards complaint heard before a meeting of the Standards Hearing Sub-Committee on 24 November 2015.

2.0 Recommendation

- 2.1 Council is invited to note the report.

3.0 Reason for Recommendation

- 3.1 The outcome of the hearing is being reported to Council in compliance with one of the sanctions imposed by the Hearing Sub-Committee, having found the subject member to have breached Cheshire East Council's Members' code of conduct.

4.0 Code of Conduct Complaint CEC/14-15/MO11

- 4.1 A complaint was submitted to the Monitoring Officer in December 2014 by Mrs L Butcher ('the complainant') concerning the actions of a member of Cheshire East Council, namely Mr Brian Silvester (the 'subject member').
- 4.2 It was alleged that the subject member had breached Cheshire East Council's Members' code of conduct by -
- i) Calling for a council employee to be sacked during a radio interview on 16 December 2014;
 - ii) Repeating these views in a party political press release issued by him on 16 December 2014; and
 - iii) Exacerbating the issue further by publishing a letter sent to him by the Council's solicitors on 19 December 2014 concerning his remarks.

- 4.3 The paragraph of the code of conduct which the complainant alleged the subject member had breached was paragraph 7 (respect for others)

sub paragraph a) you must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government; and

sub paragraph d) you must not bully any person, including other councillors, officers of the authority or members of the public.

- 4.4 Having initially assessed the complaint, the Monitoring Officer in consultation with the Independent Person, concluded that the matter should be referred for external investigation. The Investigating Officer's report was received by the Monitoring Officer in June 2015 and was referred to the Standards Hearing Sub-Committee for consideration on 24 November 2015.

5. Findings of fact

- 5.1 The subject member has confirmed to the Monitoring Officer that he agreed with the findings of fact set out in the Investigating Officer's report i.e. that he had -

- i) Called for the sacking of a Council officer in the radio interview on 16 December 2014;
- ii) Repeated these views in a party political press release issued by him on 16 December 2014; and
- iii) Published a letter sent to him by the Council's solicitors on 19 December 2014 concerning his remarks.

6. Outcome of the hearing

- 6.1 Having considered representations from the Investigating Officer (Mr Simon Goacher), the subject member and his witness Mr S McQuade, and having sought the views of the Independent Person, the Hearing Sub-Committee found that the subject member had breached paragraph 7 (respect for others);

sub paragraph a) you must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government; and

sub paragraph d) you must not bully any person, including other councillors, officers of the authority or members of the public

of Cheshire East Council's Members' Code of Conduct.

7. Reasons for the unanimous decision

- 7.1 Mr Silvester considered that, in making his comments, he was speaking up for and voicing the concerns of his constituents. Whilst the right to freedom of expression is contained within Article 10 of the Human Rights Act, this has to be weighed against the interests of open discussion of matters of public concern against the right of the council officer to be protected from unjustified public comment. In this case, the Hearing Sub-Committee found that the subject member's comments were excessive and unjustified.
- 7.2 Accordingly the Hearing Sub-Committee considered that Mr Silvester had crossed an important line in respect of a Councillor's duty of care to employees which had resulted in a breach of the code of conduct.
- 7.3 Furthermore, Mr Silvester was found to have failed to follow appropriate procedures in that he had not taken any steps to raise his concerns through the proper channels prior to making his views public in a radio interview.

8.0 Access to Information

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

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Designation: Head of Legal Services and Monitoring Officer
Tel No: 685850
Email: MonitoringOfficerCEC@cheshireeast.gov.uk

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**HEARING SUB-COMMITTEE
DETERMINATION OF A CODE OF CONDUCT COMPLAINT**

DECISION NOTICE

Complaint No:	Complaint Considered by Monitoring Officer:	Date of Hearing:
CEC/14-15/MO11	8 January 2015 20 January 2015	24 November 2015
Members in Attendance:	Independent Person:	Investigating Officer:
Cllr Rhoda Bailey Cllr Lesley Smetham Cllr Amanda Stott	Mr Robert Fousert	Mr Simon Goacher Weightmans

Name of Complainant:	Name of Subject Member:	Borough/Town/Parish Council:
Mrs Lorraine Butcher	Brian Silvester, former member of Cheshire East Council	Cheshire East Council

1. Purpose of Hearing

To consider a complaint made against a former member of Cheshire East Council, and to determine -

- i) whether the code of conduct had been breached; and
- ii) if so, what sanction, if any to impose.

2. Exclusion of Press and Public

In accordance with Cheshire East Council's complaints procedure, meetings of the Hearing Sub-Committee are usually held in public. The subject member requested that this meeting be held in private on the grounds that, to date, the process had been conducted in private and he saw no reason for this to change.

The Panel was invited to determine the request.

RESOLVED: That the meeting be held in public.

3. Summary of Complaint

The complainant (Mrs L Butcher) alleged that the subject member (Mr Brian Silvester) had breached Cheshire East Council's Members' Code of Conduct by -

- i) Calling for a council employee to be sacked during a radio interview on 16 December 2014;
- ii) Repeating these views in a party political press release issued by him on 16 December 2014; and
- iii) Exacerbating the issue further by publishing a letter sent to him by the Council's solicitors on 19 December 2014 concerning his remarks.

The paragraph of the Cheshire East Members' Code of Conduct which the complainant alleged the subject member had breached was paragraph 7 (respect for others) -

sub paragraph a) you must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government; and

sub paragraph d) you must not bully any person, including other councillors, officers of the authority or members of the public.

The complaint was initially assessed on 8 January 2015; the Monitoring Officer concluding, having consulted with the Independent Person, that the matter should be referred for external investigation. Having received the subject member's response on 15 January 2015, she completed her assessment on 20 January 2015, concluding that the matter should be referred for external investigation.

Mr Simon Goacher was appointed by the Monitoring Officer to conduct the investigation and his report was submitted for consideration to the Monitoring Officer on 31 March 2015. Having consulted with the Independent Person, the matter was referred by the Monitoring Officer to the Hearing Sub Committee on 23 June 2015.

4. Findings of Fact

The subject member confirmed that he agreed with the findings of fact in the Investigating Officer's report i.e. that he had -

- i) Called for the sacking of a council officer in the radio interview on 16 December 2014;
- ii) Repeated these views in a party political press release issued by him on 16 December 2014; and
- iii) Published a letter sent to him by the Council's solicitors on 19 December 2014 concerning his remarks.

5. Representations

Simon Goacher (Investigating Officer) presented his report and outlined his findings which indicated a breach of the code of conduct had occurred.

Brian Silvester (the subject member) made representations to the Hearing Sub-Committee and called one witness Mr S McQuade.

Additional evidence was submitted by Mr Silvester and was received by the Hearing Sub-Committee.

The Hearing Sub-Committee asked questions of Mr Goacher, Mr Silvester and Mr McQuade prior to Mr Goacher and Mr Silvester making their concluding remarks.

6. Independent Person

In accordance with the Localism Act 2011, the views of the Independent Person were sought and taken into account by the Hearing Sub-Committee before reaching its conclusion.

7. Decision of Hearing Sub-Committee

The Hearing Sub-Committee found that the subject member had breached Paragraph 7 (respect for others);

sub paragraph a) you must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government; and

sub paragraph d) you must not bully any person, including other councillors, officers of the authority or members of the public

of Cheshire East Council's Members Code of Conduct.

8. Reasons for Unanimous Decision

Mr Silvester considered that, in making his comments, he was speaking up for and voicing the concerns of his constituents. Whilst the right to freedom of expression is contained within Article 10 of the Human Rights Act, this has to be weighed against the interests of open discussion of matters of public concern against the right of the council officer to be protected from unjustified public comment. In this case, the Hearing Sub-Committee found that the subject member's comments were excessive and unjustified.

Accordingly the Hearing Sub-Committee considered that Mr Silvester had crossed an important line in respect of a Councillor's duty of care to employees which had resulted in a breach of the code of conduct.

Furthermore, Mr Silvester was found to have failed to follow appropriate procedures in that he had not taken any steps to raise his concerns through the proper channels prior to making his views public in a radio interview.

9. Sanctions

That -

a) the findings of the Hearing Sub-Committee in respect of the subject member's conduct be published; and

b) the outcome of the hearing be reported to the next meeting of Council.

10. Reasons for Imposing the Sanctions

Whilst recognising the seriousness of the matter, the Hearing Sub-Committee considered it appropriate to retain sanction a) the censure or reprimand of a member, for those who were currently serving as Councillors, which was not the case here as Mr Silvester had not been re-elected to Cheshire East Council in May 2015.

Given the nature of the breach, the Hearing Sub-Committee considered it important that its findings should be published as well as reported to Council.

Signed:

Name: Councillor Lesley Smetham, Hearing Sub-Committee Chairman

Date: 8 December 2015

COUNCIL – 17 DECEMBER 2015**NOTICES OF MOTION****Submitted to Council in Accordance with Procedure Rule 12****1 PAY THE LIVING WAGE****Proposed by Councillor Brian Roberts and Seconded by Councillor Nick Mannion.**

Cheshire East Council notes that Preston City Council in partnership with "Unlock Democracy " is considering submitting the following proposal to government under the Sustainable Communities Act:

"To delegate power to local authorities to compel all private and public sector employers within their area to pay the Living Wage. The rate of the Living Wage to be determined in accordance with the rates set by the Living Wage Foundation for London and outside London."

The Council notes that this power could massively reduce in work poverty and benefit the local economy through a multiplier effect in each local authority area it is introduced. As part of the negotiating process with the relevant Secretary of State we would expect all or some of the benefits to government through higher taxation and reduced spending on benefits to be used to enforce the new power and help local businesses who may struggle to move to the new rate.

The Council resolves to express its interests in joining Preston City Council in any collective submission to government under the Sustainable Communities Act and to work together with Unlock Democracy to gain support for the proposal from other Councils in the region and across the country.

2 Pay Ratios**Proposed by Councillor Sam Corcoran**

That this Council should publish pay ratios as recommended by the High Pay Centre and should move towards a situation where the highest paid workers in Cheshire East Council earn no more than 10 times the lowest paid workers.

3 Hackney Carriage and Private Hire Drivers Licensed by Other Authorities

Proposed by Councillor Rhoda Bailey

Drivers of hackney carriages and, in particular, private hire vehicles licensed by other authorities are operating in this area.

This Council would not be notified of their criminal offences committed subsequently, as the law requires the Police to notify only the Authority which granted the licence of any notifiable offences.

In view of the prevalence of child sexual exploitation and the dangers caused by children being trafficked from one area to another, that this Council takes steps to lobby for legislation to change the law, to extend the requirement to notify, and to reduce the ability of applicants to obtain licences in authority areas other than where they live.

4 Call for External Investigation

Proposed by Councillor David Newton and Seconded by Councillor Laura Jeuda

This Council calls for an external investigation into allegations of bullying at Cheshire East Council, and of allegations that favourable treatment was given to Corefit Ltd/Amanda Morris Ltd in procurement decisions.

5 Call for Internal Audit Report to be debated at Council

Proposed by Councillor Sam Corcoran and Seconded by Councillor Nick Mannion

This Council notes that contracts have been awarded to Core Fit Ltd/Amanda Morris Ltd, that concerns have been expressed publicly over the processes that were followed, that the Chief Executive has been quoted in the press referring to work done by internal audit and requires that an internal audit report into procurement based on work referred to by the Chief Executive is debated either at the full Council meeting on 25 February 2016 or at the next available full Council meeting.