

Cabinet Agenda

Date: Tuesday, 8th May, 2018
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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

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

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

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

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

In accordance with paragraph 3.33 of the Cabinet Procedure Rules, a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the Cabinet. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding 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 are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

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.

Please contact Paul Mountford, Executive Democratic Services Officer
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

4. **Questions to Cabinet Members**

A period of 20 minutes is allocated for questions to be put to Cabinet Members by members of the Council. Notice of questions need not be given in advance of the meeting. Questions must relate to the powers, duties or responsibilities of the Cabinet. Questions put to Cabinet Members must relate to their portfolio responsibilities.

The Leader will determine how Cabinet question time should be allocated where there are a number of Members wishing to ask questions. Where a question relates to a matter which appears on the agenda, the Leader may allow the question to be asked at the beginning of consideration of that item.

5. **Minutes of Previous Meeting** (Pages 5 - 12)

To approve the minutes of the meeting held on 10th April 2018.

6. **Notice of Motion - Highway Funding** (Pages 13 - 20)

To consider a report on the motion.

7. **Vulnerable Persons Resettlement Scheme and Community Sponsorship** (Pages 21 - 30)

To consider a report on the current position regarding the Government's Vulnerable Persons Resettlement Scheme and to consider the support of Community Sponsorship within Cheshire East.

8. **Post 16 Travel Policy Statement for 2018/19** (Pages 31 - 54)

To consider a report on the outcome of consultation on the Post 16 Travel Policy Statement for 2018/19, together with the Council's response to the issues raised and proposals for policy variations as a result of the feedback.

9. **South Macclesfield Development Area** (Pages 55 - 66)

To consider a report seeking approval to expedite the development scheme at South Macclesfield Development Area.

10. **Alliance Environmental Services Ltd - Phase 2** (Pages 67 - 76)

To consider a report seeking approval to implement the second phase of the joint venture.

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

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

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

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

12. Alliance Environmental Services Ltd - Phase 2 (Pages 77 - 80)

To consider the appendices to the report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 10th April, 2018 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rachel Bailey (Chairman)
Councillor L Wardlaw (Vice-Chairman)

Councillors A Arnold, P Bates, J Clowes, J P Findlow, J Saunders and
D Stockton

Members in Attendance

Councillors C Andrew, Rhoda Bailey, G Baxendale, B Dooley, L Durham,
I Faseyi, R Fletcher, D Flude, S Gardiner, M Grant, S Hogben, J Jackson,
L Jeuda, B Moran, B Roberts, M Warren and G Williams

Officers in Attendance

Frank Jordan, Mark Palethorpe, Linda Couchman, Dan Dickinson, Sara
Barker, Alex Thompson and Paul Mountford

Apologies

Kath O'Dwyer and Jan Willis

130 **DECLARATIONS OF INTEREST**

Councillor G Baxendale declared a disclosable pecuniary interest in Item 10 (Accommodation with Care: Care Fees Review) and signalled his intention to leave the meeting when the item was considered. Councillor J Jackson declared a non-pecuniary interest in Item 12 (West Park Museum: Future Accommodation of Collections) as a Trustee of the Silk Museum. The Chairman, Councillor Rachel Bailey, declared a non-pecuniary interest in Item 13 (Sale of Land at Dixon Drive, Chelford) as she had a trading relationship with Wright Marshall (formerly Wright Manley as referred to in the report).

131 **PUBLIC SPEAKING TIME/OPEN SESSION**

The Chairman indicated that one of the registered speakers, Mr R Hamilton, would be arriving late and had been advised that he could speak when he arrived. The Chairman was therefore minded to reduce the length of public speaking time at this stage in order to accommodate Mr Hamilton later in the meeting.

Ted Wall asked how much had been spent on legal fees for the employment tribunals of whistle blowers. The Portfolio Holder for Corporate Policy and Legal Services responded that he would be willing to

enter into a constructive dialogue on the matter if an appropriate question was put in writing to the Council.

Rob Vernon referred once again to the condition of the road in Becks Lane, Macclesfield which he said officers had described as having the status of a bridleway. He asked the Portfolio Holder for Environment to look into the matter personally. The Portfolio Holder undertook to reconsider the matter and send a written response.

132 **QUESTIONS TO CABINET MEMBERS**

Councillor S Hogben asked about progress with appointing the ASDV shareholder committee. The Leader responded that matters were moving forward and she would brief members as soon as possible.

Councillor M Warren referred to the charge for taking bags of rubble to waste management sites and felt that basing the price on per bag rather than on weight disadvantaged those residents who could not carry large bags. The Leader responded that if Councillor Warren could provide specific examples of where hardship was being caused, these would be considered.

Councillor R Fletcher commented that Alsager Town Council had written to Cheshire East Council some months ago, asking when Close Lane, Alsager would be widened. A reply was still awaited. Councillor Fletcher also asked if a footway could be provided in Close Lane between Cranberry Lane and Nursery Road to improve safety for pedestrians. The Leader asked Councillor Fletcher to send a copy of the letter from the Town Council to her or to the Portfolio Holder for Environment so that the matter could be investigated.

Councillor J Jackson mentioned that it was no longer possible for members of the public attending meetings at Westfields to leave the building unescorted as the doors leading from the meeting rooms to the Reception could only be opened with a fob. The Portfolio Holder for Housing, Planning and Regeneration responded that the fob-activated doors had been introduced for security and health and safety reasons.

Councillor D Flude asked if the Leader was aware of recent coverage on the Internet regarding Lyme Green. The Leader was aware of the matter and would update members when she was able to do so.

Councillor B Roberts commented that he was very pleased that there had now been a proposal for the former Crewe Baths site.

133 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 13th March 2018 be approved as a correct record subject to the following amendment in relation to Minute 108:

Councillors E Brooks, S Gardiner, S Hogben and S Pochin declared disclosable pecuniary interests in relation to Items 20 and 23 of the agenda as directors of ASDVs and signalled their intention to leave the meeting prior to the consideration of those items.

134 **NOTICE OF MOTION - LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Cabinet considered the following motion which had been moved by Councillor D Flude and seconded by Councillor B Roberts at the Council meeting on 22nd February 2018 and referred to Cabinet for consideration:

“This Council regrets that the Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill was ‘talked out’ by Sir Christopher Chope (Christchurch) (Con) in Parliament, and calls on all of Cheshire East’s Members of Parliament to re submit the Bill. Cheshire East Children and Family’s Scrutiny report on Child Sexual Exploitation recommended Taxi and Private Hire Licensing, it is disappointing that this important legislation was talked out.”

Councillors Flude and Roberts spoke on this matter as the proposer and seconder of the motion.

The report before Cabinet addressed the issues raised in the motion.

RESOLVED

That the Portfolio Holder for Housing, Planning and Regeneration write to the Secretary of State for Transport asking the Government to close the loopholes and potential for abuse left open as a result of cross border hiring and will ask local MPs to support the above letter to the Secretary of State.

135 **TRANSPORT FOR THE NORTH - RESPONSE TO CONSULTATION**

Cabinet considered a report on progress with the governance arrangements and strategic planning for Transport for the North. The report sought approval of the Council’s response to Transport for the North’s consultation on the draft Strategic Transport Plan.

RESOLVED

That Cabinet

1. approves the submission of a consultation response to Transport for the North's draft Strategic Transport Plan by 17th April 2018 and delegates arrangements for submitting a final version to the Chief Executive in consultation with the Leader of the Council;
2. notes the proposed governance arrangements for Transport for North as set out in Section 5.2 of the report; and
3. delegates authority to the Leader of the Council to approve the final governance arrangements at Transport for the North's Board and to agree all future changes to these arrangements on behalf of the Council.

136 **PUBLIC SPEAKING TIME/OPEN SESSION**

At this point, Mr R Hamilton had arrived at the meeting and was invited to speak.

Mr Hamilton had raised eight detailed questions in relation to a report produced by the Council in June 2016 for the Sandbach Local Plan Inquiry. The questions had been circulated to Cabinet members prior to the meeting. Mr Hamilton was afforded the opportunity of speaking on the matter for five minutes following which the Leader responded at length. In closing, the Leader indicated that she was prepared to engage further with Mr Hamilton on the matter outside the meeting at a future date. In the meantime, she would arrange for the officers to respond to the eight specific questions that he had raised.

Note: the full exchange between Mr Hamilton and the Leader may be listened to on the Council's website.

The Deputy Leader, who had chaired the previous Cabinet meeting, understood that Mr Hamilton had felt that he had been prevented from speaking at that meeting. The Deputy Leader commented that she had asked that any member of the public wishing to speak indicate accordingly. Had Mr Hamilton been present at the meeting and indicated his wish to speak, he would have been invited to do so.

137 **HOUSING STRATEGY 2018-2023**

Cabinet considered a report which provided a summary of the responses to the consultation on the draft Housing Strategy and how those responses had been reflected in the final version of the Strategy. The report also sought approval to adopt the Strategy.

RESOLVED

That the Housing Strategy for 2018-2023 as set out in Appendix 1 to the report be approved.

138 **HOMELESSNESS STRATEGY**

Cabinet considered a report on the Council's Homelessness Strategy for 2018-2021.

RESOLVED

That Cabinet

1. approves the Homelessness Strategy as set out in Appendix 2 to the report;
2. notes that the Portfolio Holder for Housing, Planning and Regeneration will oversee the delivery of the strategy in partnership through the members of the Homelessness Strategy Steering Group;
3. notes that the funding arrangements are in place to enable the delivery of the strategy; and
4. delegates authority to the Portfolio Holder for Housing, Planning and Regeneration to make any further revisions to the strategy.

Note: at this point, having declared an interest earlier in the meeting, Councillor G Baxendale left the meeting whilst the next following item was considered.

139 **ACCOMMODATION WITH CARE: CARE FEES REVIEW**

Cabinet considered a report on the findings of a review of Accommodation with Care.

RESOLVED

That Cabinet

1. notes the findings of the Care Fee Review for Accommodation with Care;
2. endorses a 6% increased contract rate for Accommodation with Care at an estimated increased gross cost of £1.5m per annum, the proposed fee increase to be met from the Improved Better Care Fund for 2018/19 and 2019/20;
3. approves the approach to fund the forecast financial implications on the Adult Services Commissioning Budget through the allocation of Adult

Social Care Support Grant (held within the Transforming Services Earmarked Reserve) in 2018/19 and from the Improved Better Care Fund in 2018/19 and 2019/20; and

4. notes that the financial implications of the report present a risk to the current estimates for the 2020/21 Budget, as contained within Medium Term Financial Strategy 2018/19 to 2020/21.

Note: at the conclusion of this item, Councillor Baxendale returned to the meeting.

140 **CARE AT HOME: CARE FEES REVIEW**

Cabinet considered a report on the findings of a review of Care at Home.

RESOLVED

That Cabinet

1. notes the findings of the Care Fee Review for Care at Home;
2. endorses a maximum flat hourly fee rate of £18 per hour for Care at Home services with effect from 1st October 2018;
3. approves the approach to fund the forecast financial implications on the Adult Services Commissioning Budget through the allocation of Adult Social Care Support Grant (held within the Transforming Services Earmarked Reserve) in 2018/19 and from the Improved Better Care Fund in 2018/19 and 2019/20; and
4. notes that the financial implications of the report present a risk to the current estimates for the 2020/21 Budget, as contained within Medium Term Financial Strategy 2018/19 to 2020/21.

141 **WEST PARK MUSEUM; FUTURE ACCOMMODATION OF COLLECTIONS**

Cabinet considered a report seeking approval for a project to safeguard the future of West Park Museum and its collections.

RESOLVED

That Cabinet

1. endorses the option to retain the collection within the museum building at West Park and to refurbish the Museum to ensure it is fit for purpose; and

2. notes the potential for interim and remedial works, including the temporary relocation, or storage of the collection, during the period until museum refurbishment is complete.

142 **SALE OF LAND AT DIXON DRIVE, CHELFORD**

Cabinet considered a report on the proposed sale of land at Dixon Drive, Chelford.

RESOLVED

That the Executive Director of Place be authorised to dispose of the Land at Dixon Drive, Chelford, as shown on the plan attached to the report, on terms and conditions to be agreed in consultation with the Director of Legal Services and the Section 151 Officer.

143 **PROCUREMENT OF THE COUNCIL'S ENERGY SUPPLY**

Cabinet considered a report on the procurement of a fully managed service whereby the provider purchased energy for and on behalf of the Council via a compliant framework.

RESOLVED

That Cabinet

1. approves the preferred option to continue using a fully managed service;
2. notes that the Executive Director of Place will commence procurement to select a preferred bidder;
3. delegates authority to the Executive Director of Place to enter into a contract with the successful provider for a period of 3 years; and
4. notes that the Council will enter into individual memoranda of understanding with such schools and academies as indicate that they wish to participate in the contract (subject to the Council's contract with the successful provider allowing such participation).

144 **3-YEAR MICROSOFT DESKTOP LICENCE AGREEMENT 2018**

Cabinet considered a report on the renewal of the Microsoft Enterprise Desktop Licence Agreement.

RESOLVED

That authority be delegated to the Interim Executive Director of Corporate Services, in consultation with the Portfolio Holder for Finance and Communication, to undertake the procurement, and agree terms of the

necessary contractual arrangements to deliver the required licences for Cheshire East Council and Cheshire West and Chester Council, desktop estate via a Licence Service Provider; with an estimated total cost of £4.00m (excluding VAT) over a 3 year period; funded jointly by the Cheshire East Council and Cheshire West and Chester Council (through programme recharges or staged payments as agreed).

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor Rachel Bailey (Chairman)

Cabinet

Date of Meeting: 08 May 2018

Report Title: Notice of Motion – Highway Funding

Portfolio Holder: Cllr Don Stockton, Environment

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

- 1.1. On the 22nd February a Notice of Motion was raised at Full Council in relation to highway maintenance funding allocations for road network in the Cheshire East Borough.
- 1.2. The Notice of Motion, detailed in Appendix A, noted concerns in disparity of funding distributions for new roads infrastructure, funded via Central government capital grants, against the funding allocations provided to maintain the Council's local highway network.
- 1.3. The Motion also requested the Council review their current highway maintenance practices of reactive pothole repairs to more preventative programme of structural repairs.
- 1.4. Since the Notice of Motion, the Council has increased the annual highway maintenance allocation with an additional £2 million made available in the capital budget, increasing the additional investment for carriageway and footway maintenance to £7 million for 2018/19.
- 1.5. The Council has formally adopted the use of Evidence Led Asset Management principles for the management and maintenance of its adopted Highway Infrastructure, moving away from reactive methods to a more preventative approach, ensuring maximum value for money is obtained for our residents and businesses.
- 1.6. Adoption of this approach has led to the Council been successful in attaining the highest banding level for the Department for Transport's (DfT) Incentivised funding element, which in 2018/19 is worth over £1.75m.

2. Recommendations

2.1. Cabinet is recommended to:

- 2.1.1. Continue to endorse the Evidence Led Asset Management principles utilising more preventative methods of works for the management and maintenance of the Borough's highway network.
- 2.1.2. Endorse the proposals to undertake an extensive patching programme of structural maintenance across the Council's local highway network this financial year to reduce reactive pothole repairs.
- 2.1.3. Continue to review annually the funding allocations required to maintain the Council's local highway network.

3. Reasons for Recommendations

- 3.1. The approach to asset management in the highways sector has become more sophisticated over the last few years, linking costs to asset deterioration, and how best to spend the available funds to deliver best value.
- 3.2. Applying the principles of asset management and preventive programmes will help us achieve a more structured long term approach to maintaining our networks and assist us to resist expensive and impulsive short-term actions which has resulted in years of 'fire-fighting', adopting a reactive maintenance approach that has never achieved the desired outcomes.
- 3.3. Central Government, through the DfT have given clear indication that it expects local highway authorities to embed the use of Asset Management principles and preventive programmes for the future maintenance of their highway infrastructure assets delivered through whole life cycle plans.
- 3.4. If the authority does not adopt a full Asset Management principles and preventative maintenance to its Highway Infrastructure then they will not receive the full level of Incentive funding that could be awarded to the Council
- 3.5. With a highway network evolving and changing annually, successful implementation of asset management and preventive programmes relies on knowledge of the asset, its current and future performance and suitable funding allocations from the council to achieve this.

4. Other Options Considered

- 4.1. It is recommended the Council continue with Asset Management principles and resume with a more preventative programme of works as this ensures

value for money is achieved whilst also maximising the funding available from DfT.

5. Background

- 5.1. The Council has a clear growth agenda which is supported by our Local Plan. The success of this approach requires capital investment in new highway infrastructure to manage and accommodate the anticipated increase in traffic volumes.
- 5.2. The highway network is our largest and most visible publicly owned asset. It is used daily by the majority of the travelling public for commuting, business, social and leisure activities.
- 5.3. At a national level our economic prosperity relies on reliable movement of goods and people around the highway network. At a local level the highway network helps to shape the character and quality of local areas and makes an important contribution to wider local authority priorities, including regeneration, social inclusion, community safety, education and health.
- 5.4. Like any physical asset, the highway network requires maintenance and renewal to counter deterioration. New infrastructure, once built, also needs to be maintained over its useful life in order to deliver expected benefits. Poor quality roads can create congestion through road works and delays, which costs businesses and individuals through reduced productivity, increased fuel consumption, delayed deliveries and damage to vehicles.
- 5.5. The level of funding allocated to local highway authorities is now based on the local authority's record in pursuing efficiencies and asset management and being able to demonstrate the investment through data asset intelligence and a preventive approach.
- 5.6. The Council has, over the last 5 years, continued to invest additional capital funding to augment the national funding allocations in order to improve and maintain our network condition. To date the Council has invested over £50m in additional highway maintenance activities.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Highway Asset Management Policy and Strategy supports the Council's role as the Highway Authority for Cheshire East in meeting its statutory duty for maintenance, under the Highways Act 1980.

6.2. Finance Implications

6.2.1. The allocation of Highway funding based on Asset Management principles and preventive programme of works will ensure the Council continues to achieve the highest performance band for Incentive Fund each year:

Year	Maximum Potential Needs Based Funding	Incentive Fund Element
2017/18	£9,290,000	£870,000
2018/19	£8,409,000	£1,751,000
2019/20	£8,409,000	£1,751,000
2020/21	£8,409,000	£1,751,000

6.2.2. If appropriate funding allocations are not invested into the highway network the authority would expect the revenue to increase in reactive maintenance for pothole repairs.

6.2.3. The Council's Approved Capital Programme for 2018/19 includes the Local Transport Plan grant allocation (Integrated Transport £1.8m; Maintenance £8.4m; Incentive Fund £1.8m) in addition to the £7m of Council investment into the Highways Network.

6.3. Equality Implications

6.3.1. The recommendation to follow asset management principles will allow the service to continue the consideration of mobility issues as part of the prioritisation process.

6.4. Human Resources Implications

6.4.1. The recommendation does not have any direct human resource implications.

6.5. Risk Management Implications

6.5.1. In order to best manage the highways assets in Cheshire East, valued at over £5.9 billion, it is essential that the Council continues to follow the approved Asset Management Policy and Strategy.

6.5.2. If the use of Asset Management principles is not fully embedded for all highway infrastructure assets, they will not be managed and maintained effectively. This will result in further deterioration in their condition that will lead to an increased risk to the safety of highway users and an increased risk of third party claims against the Council. This could be both costly and damaging to the Councils current good reputation.

6.5.3. Additionally, the Council will not be awarded the highest banding for performance which will limit the level of Incentive funding and also limit the Councils ability to bid for future Challenge funding.

6.5.4. The risk of the Highways Service not following approved policies and strategies is that development of programmes could become fragmented and may not follow best practice guidance to provide best value. This could result in financial, operational and reputational risks to Cheshire East Council.

6.6. Rural Communities Implications

6.7. The recommendation does not have any unique implications for rural communities as the asset management approach is a borough wide approach.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Wards and Ward Members.

8. Access to Information

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

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

Name: Paul Traynor

Job Title: Head of Highways and Parking

Email: paul.traynor@cheshireeast.gov.uk

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COUNCIL – 22nd February 2018

Proposed by Councillor I Faseyi and Seconded by Councillor N Mannion.

This Council notes concerns in respect of a managed decline of our road network and supports the LGA's call for the government to deal with the disparity in funding between national roads (Motorways & Major trunk Roads) and local roads.

Whilst the building of new roads and by-passes funded via Central government capital grants is welcome, it merely highlights the increasingly dilapidated state of a large proportion of the rest of the Cheshire East's road and footpath network.

The hard winter, combined with a lack of any meaningful programme of preventative road maintenance on all but the main trunk roads in Cheshire East in recent years, has resulted in many local & estate roads now rapidly deteriorating to the verge of becoming a danger to road users and pedestrians in places.

The ongoing reliance on merely filling potholes with "blobs" of tarmac rather than a programme of proper structural repairs is both only a temporary, and also an inefficient use of the shrinking available resources-a case of "penny wise, pound foolish"? Reference: See page 4 of FIRST Magazine, February

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Cabinet

Date of Meeting: 08 May 2018

Report Title: Vulnerable Persons Resettlement Scheme and Community Sponsorship

Portfolio Holder: Cllr Liz Wardlaw, Health

Senior Officer: Mark Palethorpe – Acting Executive Director for People

1. Report Summary

- 1.1. To update members on the current position regarding the Governments Vulnerable Persons Resettlement Scheme (VPRS) and to consider support of Community Sponsorship within Cheshire East.

2. Recommendation

- 2.1. Following consideration of this report, to agree to accept further refugee families, in addition to those under the Council's original pledge of 5 families, and indicate how many families Cabinet will be willing to accept under the Vulnerable Person Resettlement Scheme.
- 2.2. To agree to operate under the Community Sponsorship Programme within the Cheshire East area.
- 2.3. To agree in principle to support the application by Churches Together in Nantwich to the Home Office to become a Community Sponsor and apply for a refugee family to be housed in the south of the Borough and delegate authority to the Executive Director of People to provide written consent on behalf of the Council upon being satisfied that Churches Together in Nantwich meet the requirements.
- 2.4. That Cabinet delegate authority to the Executive Director of People to make decisions about supporting any future requests to become a community sponsor and (if so determined) to provide consent from the local authority for any such future community sponsorship requests.

3. Reasons for Recommendation

- 3.1. Since the Government pledged in 2015 that the UK would accept up to 20,000 refugees by 2020 over a third of the refugees have now been

resettled with approximately half of those who have arrived under the scheme being children.

- 3.2. The Home Office published their latest migration statistics on 30th November 2017, which relate to the period ending September 2017. It reports that since the scheme began in 2014 the UK has resettled a total of 9,394 people. In the year ending September 2017, 4,980 people were resettled under the VPRS across 229 different local authorities.
- 3.3. In this publication it reports that the North West had resettled 669 people across 19 authorities from the start of the scheme to the end of September 2017. Since this date the North West has resettled a further 131 people giving a total to date of 800 people resettled across 21 authorities. Cheshire East Council fulfilled its pledge of taking up to 5 families over the lifetime of the programme by accepting all 5 families in 2017.
- 3.4. The 5 refugee families that have been resettled in Cheshire East have settled well into their new communities with children achieving well at school. Initial health and dentistry problems have been addressed and 2 adults have now taken on volunteering opportunities in order to build up their work experience with the aim of gaining paid employment. It is important that language is considered when supporting the resettlement.
- 3.5. The support work for the 5 families has been achieved through a service level agreement with the Council's Care4CE Team and a contract with Refugees Welcome, a registered charity set up specifically to help these, and other refugee families. An internal officer group and a multi-agency group has monitored the progress of the programme and any issues arising from it. There has been a lot of learning from the programme and some good practice and both the Council's Care4CE Team and Refugees Welcome are in a good position to accept any additional families within the Borough.
- 3.6. The Government is continuing to work with local authorities to ensure placements are available as more vulnerable people arrive. As such Cheshire East Council has been asked to consider taking more families, in addition to the 5 families in the original pledge, for which additional funding is available for each family received.
- 3.7. The first 12 months of a refugee's resettlement costs are fully funded by central government at a rate of £8,520 per family member. Years 2 to 5 are tapered at a rate of £5,000 for months 13-24, £3,700 for months 25-36, £2,300 for months 37-48 months and £1,000 for months 49-60. There is more flexibility on using the funding in years 2 to 5 to support refugees.
- 3.8. The Home Office has acknowledged the difficulties some local authorities have had in finding appropriately sized accommodation and have proposed that local authorities could let the Home Office know when housing actually becomes available and a refugee family will be matched with the house

and brought to the UK on a regular flight rather than a chartered flight. This will give more flexibility to the local authority and not tie the authority to a chartered flight currently set at 4 times per year.

- 3.9. Due to the lack of larger sized homes available within Cheshire East, that are affordable to refugee families, the Home Office will also look at matching smaller sized families to the Cheshire East area to meet the accommodation available.
- 3.10. Another way in which local authority areas can support vulnerable people to resettle in the UK is through Community Sponsorship. Community Sponsorship is a ground-breaking development for the resettlement of refugee families in the UK, through the Vulnerable Person Resettlement Scheme and Vulnerable Children's Resettlement Scheme. It enables community groups to become directly involved in supporting the resettlement of refugees fleeing conflict and in need of protection in the UK. It encourages innovation in resettlement that has the potential to promote positive resettlement outcomes, both for the resettled families and local communities.
- 3.11. Community sponsors must be local registered charities or community interest companies and are responsible for all elements of resettling the family. This includes providing accommodation, meeting the family at the airport, providing a welcome and cultural orientation, providing English language tuition, supporting access to medical and social services and support towards gaining employment. Community sponsors must also provide at least £9,000 in funding to meet some of the financial needs of the resettled family and a detailed and credible plan to illustrate how they will deliver effective resettlement support to a resettled family.
- 3.12. Community sponsors need to be approved as a sponsor through an application process, which will be assessed by the Home Office. Community sponsors also require written consent of the local authority in the area where the resettled family will live. Typically the consent will be provided by the Chief Executive Officer, Director or Councillor with the authority to consent on behalf of the local authority. The Home Office guidance state the grounds on which a local authority might object as:
 - 3.12.1. insufficient capacity to provide certain crucial local services in the proposed housing area (e.g. lack of school places);
 - 3.12.2. concerns about community tensions in the proposed housing area;
 - 3.12.3. where they have reason to believe that the organisation is not suitable to undertake the resettlement of vulnerable adults and children; or
 - 3.12.4. another appropriate reason.
- 3.13. If a community sponsor meets all of the criteria they will be approved by the Home Office and will be allocated a family. This family will not normally

have complex needs so as to make the process as straightforward as possible for the community group. The community sponsor approval will be reviewed by the Home Office after six months and if they have not been allocated a resettled family within this time they may be asked to submit a new application. The approval process is summarised below:

- 3.13.1. Local authority gives consent to a prospective sponsor to operate as community sponsor in that area
 - 3.13.2. Prospective sponsor submits application to the Home Office for approval as a community sponsor
 - 3.13.3. Application considered against criteria for approval
 - 3.13.4. Approval granted
 - 3.13.5. Agreement with sponsor signed
 - 3.13.6. Family to be resettled proposed for allocation to sponsor
 - 3.13.7. Sponsor and local authority consider and jointly agree allocation
 - 3.13.8. Resettled family arrives (typically six weeks after allocation is agreed)
- 3.14. Cheshire East Council has been approached by Churches Together in Nantwich as a potential community sponsor. They have already secured a property that belongs to a local church and had agreement from the local schools that they will support refugee children. They have secured a large amount of funding and have a number of volunteers in place. They have a draft resettlement plan and have now become part of Refugees Welcome, with two trustees on their board and will benefit from their experience and policies and procedures that are already in place.
- 3.15. Before Churches Together in Nantwich move further forward with their application to the Home Office they wish to obtain the necessary written consent from the Council to operate as a community sponsor in the Cheshire East area.
- 3.16. We have also been approached by a group in Sandbach who also wish to become community sponsors and will soon be submitting their resettlement plan and asking for consent. As community sponsorship is becoming more popular across the whole country, following success of the scheme which originated in Canada, Cheshire East Council may receive more requests for consent from potential community sponsors.
- 3.17. The Executive Director of People has already been given delegated authority to work both sub-regionally and with the Home Office for decisions relating to the delivery of the Asylum Seeker Dispersal Programme, Vulnerable Persons Resettlement Programme and Unaccompanied Asylum Seeking Children Programme, therefore delegating authority for the Community Sponsorship requests to the

Executive Director of People would naturally sit alongside current decision making routes.

4. Other Options Considered

- 4.1. The Council has fulfilled its pledge of accepting 5 families over the lifetime of the Vulnerable Persons Resettlement Scheme so could choose to not take any more families, however the numbers accepted in the Cheshire East area are low in comparison to neighbouring authorities and the Home Office is asking for support from more local authorities to meet the commitment for the UK.
- 4.2. The Council could choose to not become a community sponsorship area but this would restrict the support that the community could provide to refugee families. Operating under community sponsorship reduces the capacity required from the Council as all responsibility for supporting the resettled family is taken by the community sponsor.
- 4.3. As a community sponsor has already identified themselves if the Council cannot provide a valid reason to refuse the request but does not provide consent there is a reputational risk if the community sponsor were to speak publicly about the refusal.

5. Background

- 5.1. The UK government are taking part in the United Nations programme to resettle refugees who have fled their home countries, including those affected by conflict or civil war. In 2015 the Prime Minister announced that the UK would accept an additional 20,000 Syrian refugees over the course of the current UK parliament under the Syrian Vulnerable Persons Resettlement Programme.
- 5.2. The Syrian Vulnerable Persons Resettlement Programme has now been extended to include other nationalities caught up in the crisis such as Iraqi, Palestinian and Kurdish minorities who sought refuge in Syria before the conflict but have had to flee again.
- 5.3. In November 2015 Cabinet received their first report on the Council's position on support for Syrian refugees and asylum seekers. At this meeting it was agreed that the Council would welcome an appropriate number of Syrian refugees to Cheshire East. Cabinet also agreed to inform the Government of the Council's commitment to supporting Syrian refugees and the conversation with the Home Office began.
- 5.4. The Council went on to work with partner authorities to establish a robust operational mechanism to oversee the scheme in the sub region.
- 5.5. The Council also worked with the voluntary sector and a charity called Refugees Welcome was formed to support the programme within the Cheshire East area. Refugees Welcome are currently working with the 5

families housed in Cheshire East and have had their contract extended into year 2 to continue their support.

- 5.6. In March 2016 Cabinet received an update on work that had taken place so far, this included the continuation of the sub-regional work to agree a coordinated approach across the region and to plan for and collectively deliver the SVPR and Compass programme once the financial implications were known. Cabinet also agreed to support a maximum of 3 unaccompanied children, working in partnership with Kent County Council to achieve this.
- 5.7. In September 2016 Cabinet agreed to accept a maximum of 3-5 families across the lifetime of the programme which was fulfilled during 2017 with the first refugee family arriving in January, the second in March and three further families in April 2017. There are 10 adults and 18 children in total and all families have been housed in the north of the Borough.

6. Wards Affected and Local Ward Members

- 6.1. It is intended to house a family through community sponsorship in the Nantwich South and Stapeley ward therefore the following ward members have been consulted:
 - Nantwich South and Stapeley – Cllrs Peter Groves and Andrew Martin
 - Nantwich North and West ward – Cllrs Penny Butterill and Arthur Moran

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. There are no immediate policy implications for consideration.

7.2. Legal Implications

- 7.2.1. In order to support the VPR scheme and provide services to refugees the Council entered into a contract with Refugee Welcome which has been extended in accordance with the terms of that contract and will end on 2 January 2019
- 7.2.2. If the VPR scheme is continued beyond the term of the current contract (and the Service Level Agreement with Care4Ce) then consideration will need to be given to the scope for extending current arrangements/the entering into a new contract. The Service will liaise with Legal Services and Procurement officers to ensure that arrangements comply with the EU Regulations and the Council's own contract procurement rules (and revisit the agreement it has with Care4Ce).

7.2.3. The legal implications were reported to Cabinet 13 September 2016, setting out in full the Council's powers and duties in relation to the SVPR programme. There are no further immediate legal implications for consideration at this stage.

7.3. Financial Implications

7.3.1. For community sponsorship the support for the refugee families would be met by the community sponsor, however there is a potential impact on the Council through the payment of benefits. The Benefits Cap is also affecting some refugee families resulting in a need for the families to pay the majority of their own housing rental costs, and they could apply to be considered for a Discretionary Housing Payment. In addition, many families have been placed in larger accommodation falling under higher Council Tax bands. This results in a large shortfall between the Council Tax liability and the maximum Council Tax Support provided under the Council's scheme for those of working age. Any shortfall in costs would need to be met by the community sponsors.

7.3.2. There is a risk highlighted in section 8.2 that the community sponsor may not maintain their support for the resettled family and the responsibility for the family would then be transferred to the Council. If this was to happen the Home Office would then provide funding through the Vulnerable Persons Resettlement Scheme as per the existing funding agreement.

7.3.3. If additional families are taken on in the Borough through the Vulnerable Persons Resettlement Scheme then there will be no financial implications for the existing council resources as the programme will be fully funded by the Home Office VPR grant as set out in section 3.5 of this report.

7.4. Equality Implications

7.4.1. An Equality Impact Assessment is in place and is reviewed by the multi agency group. This provides an active assessment to ensure we consider any unintended consequences for specific characteristic groups through the delivery of these humanitarian programmes.

7.5. Rural Community Implications

7.5.1. From our work to date it is seen as important that families have access to good infrastructure services and transport routes to enable families who may need, or want, to travel readily to other areas to connect with other family members or friends, to access a Mosque and specialist food suppliers. Therefore the larger towns have been favoured above rural areas to house refugee families.

7.6. Human Resources Implications

7.6.1. The VPR programme delivery is highly dependant on officer time which affects council areas such as public health and communities, housing, children and families, Care4CE, procurement, legal, media and communications and financial services. Should additional families be accepted then these areas of the Council will support the programme under existing arrangements.

7.7. Health and Wellbeing Implications

7.7.1. The delivery of supporting refugee families within the Borough would have no specific adverse health implications for our population.

7.8. Implications for Children and Young People

7.8.1. The children from within the 5 families now housed in the Borough have accessed education, nursery and child care services as needed and are performing well within their chosen schools and colleges.

7.8.2. Any children accepted through community sponsorship will be able to access schools close to their intended new home.

7.8.3. There are supportive plans in place to ensure these vulnerable children receive support as needed as a result of their refugee status.

7.9. Overview and Scrutiny Committee Implications

7.9.1. There are no immediate overview and scrutiny implications for consideration.

7.10. Other Implications (Please Specify)

7.10.1. There are no other implications for consideration.

8. Risk Management

8.1. If the Council were to refuse the application from any potential community sponsors there is a reputational risk that the community would see this as the Council not supporting vulnerable families.

8.2. There is a risk that the community sponsor may not maintain their support for the resettled family and the responsibility for the family would then be transferred to the Council. If this was to happen the Home Office would then provide funding through the Vulnerable Persons Resettlement Scheme.

8.3. The property identified for the Nantwich family is owned by Market Street Church and is stated as being available currently and for the foreseeable

future. However if this should change the responsibility to find a suitable home would rest with the local authority.

- 8.4. There is a risk that families will be subject to a benefits cap and responsible for payment of their own rent charges. As most of the properties used to house the families have been from within the faith sector and quite large houses, with high council tax bands, the rent has been higher than that of a social landlord and difficult for families to afford. If this was the case then the community sponsor would either have to meet the costs of the rent from their fundraising or find an alternative affordable home.
- 8.5. The Home Office recommends community sponsors have at least £9,000 in funding, however experience to date suggests that the required figure could be much higher and potential sponsors are being advised to secure around £15,000 to allow for contingency funding with particular regard to the benefits cap.

9. Access to Information

- 9.1. [Syrian Vulnerable Persons Resettlement Scheme \(VPRS\) – Guidance for local authorities and partners](#). July 2017
- 9.2. [Home Office guidance for prospective sponsors – Community Sponsorship](#). First published July 2016, last revised July 2017
- 9.3. [Cheshire East Council Cabinet Report 10 Nov 2015](#) - Position on support for Syrian Refugees and Asylum Seekers
- 9.4. [Cheshire East Council Cabinet Report 8 Mar 2016](#) – Update on support for Asylum Seekers and Refugees and Unaccompanied Children
- 9.5. [Cheshire East Council Cabinet Report 13 Sep 2016](#) – Next steps for Syrian Refugees and Unaccompanied Children
- 9.6. [Cheshire East Council Cabinet Report 11 Apr 2017](#) – Syrian Vulnerable Person Relocation and Unaccompanied Asylum Seeking Children Update
- 9.7. [Cheshire East Council Cabinet Report 10 Oct 2017](#) – Support for Syrian Refugees and Asylum Seekers

10. Contact Information

Contact details for this report are as follows:

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Cabinet

Date of Meeting: 08 May 2018

Report Title: Post 16 Travel Policy Statement for 2018/19

Portfolio Holder: Cllr Jos Saunders – Children and Families

Senior Officer: Mark Palethorpe, Acting Executive Director of People

1. Report Summary

- 1.1. On 10 October 2017 Cabinet approved a period of public consultation regarding a new suite of travel policies planned for implementation from September 2018. This included the Post 16 Travel Policy Statement for 2018/19.
- 1.2. This report presents the outcome of that consultation together with the Council's response to the issues raised and proposals for policy variations as a result of this feedback. It also proposes a number of mitigation measures that could be implemented in order to help ameliorate the impact on some stakeholders.
- 1.3. The aim of the revised policy has been to ensure that we provide transport in accordance with the statutory duties of the Local Authority. Discretionary travel will only be included where there is a strong business case to support this. This will result in savings which will contribute to the proposals approved within the medium term financial plan.
- 1.4. The post 16 travel statement has been updated to provide greatly improved information on how all post 16 pupils can travel to school or college, with information from schools and colleges and details of the financial support that may be available to them.
- 1.5. There are 696 children and young people with SEND who are currently receiving travel support with 323 (46%) children or young people with SEND attending schools outside of the borough.
 - 1.5.1. 163 out of the 696 are Post 16 young people with 63 educated within the borough and 100 (61%) outside of the borough.
 - 1.5.2. 34 of the 163 are adult learners (19-25 years) with an EHCP who will not be affected by the proposed changes

1.5.3. 81 of the 163 share transport with children under 16 who receive home to school travel assistance

1.5.4. The cost of transporting the 163 young people in 2017/18 is estimated at £1.1m

1.6 The policy review is part of the wider strategic review of transport which is based on the three priorities:

1.6.1 Ensure an appropriate suite of transport policies

1.6.2 Ensure travel arrangements are provided efficiently.

1.6.3 Ensure organisational management overview, structure and processes operate efficiently

2. Recommendations

It is recommended that Cabinet:

2.1. Note the outcomes of the consultation in respect of the updated Post 16 travel policy statement for 2018/19.

2.2. Agree that the revised travel policy statement be published by 31 May 2018. It is a statutory duty to publish the annual statement by the 31 May each year.

2.3. Agree that the revised travel policy statement be implemented with effect from 1 September 2018

3. Reasons for Recommendations

3.1. It is a statutory duty to publish the annual Post 16 travel policy statement by 31 May each year. The provision of free or subsidised travel for Post 16 students is not a statutory duty. The DfE issued new guidance, which provided greater clarity, in October 2017. Nevertheless this council will continue to provide discretionary travel for pupils with an EHC plan who meet the eligibility criteria.

3.2. The principles adopted in the revised policies include those to:

- Promote use of sustainable modes of travel arrangements to school
- Promote and sign post learners to travel options and assistance that are available to them either via public transport or via their chosen Post 16 education provider
- Meet our statutory duty and remove discretionary assistance.

- Meet the assessed needs of young people and adult learners with an Education and Health Care Plan.
 - Provide travel assistance which meets assessed need through the lowest cost option.
 - Better utilise the offer of direct payments, where acceptable to parents/carers, if this is a lower cost option.
 - Change the onus from the Council providing fully funded travel support.
- 3.3. All Post 16 education providers in the borough have been involved in the refreshing of the policy statement. This was done via a workshop on 8 November 2017 and subsequent incorporation of position statements from each provider in respect of their transport offering. Of particular note was the highlighting of exemplar sections from the statements of neighbouring authorities for inclusion in the revised statement.
- 3.4. All post 16 education providers in the borough were contacted about the travel support they can offer to post 16 learners and this information was also included in the draft policy statement prepared for consultation.
- 3.5. The recognition of public responses as expressed during the consultation is important to demonstrate transparency in the decision making process and a genuine commitment to ensure full engagement leading to more effective implementation.
- 3.6. The amendments made to the travel policy statement, and the mitigation/implementation measures proposed, demonstrate that the Council has listened and responded to the concerns raised, where it is practicable to do so within the budgetary constraints facing the authority.
- 3.7. The following section of this report provides a summary of the changes proposed and any mitigation/implementation measures.

4. Post 16 Travel Policy Statement 2018/19

4.1 Proposal 1

To align eligibility to be the same as that applied to Pre 16 learners with an Education and Health Care Plan (EHCP). Cabinet approved the change in the eligibility definition for Pre 16 learners on 13 March 2018. To be eligible, the student “cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability”.

Mitigation

There will be phased implementation with all new applications assessed on this basis. Ultimately any existing arrangements will be reviewed through the annual review of the Education and Health Care Plan (EHCP) or when circumstances change

4.2 Proposal 2

Independent Travel Training for pupils with special educational needs may be made available where the LA deems this appropriate in consultation with parents.

4.3 Proposal 3

Applications for Post 16 travel assistance are made bi-annually, or when circumstances change, and be supported by appropriate evidence. Parents have the duty to inform the council of any change in circumstances – positive or negative.

Mitigation

All applications will be considered case by case based on pupil needs.

4.4 Proposal 4

Learners/parents/carers are expected to contribute to the costs of travel incurred by the Council and this contribution will be comparable to the costs incurred by other post 16 learners who are not eligible for assistance and therefore will not disadvantage any group. For the year 2018/19 this contribution will be set at £450 per annum with flexible payment options available. Adult learners (19-25) are an exception – see proposal 6.

Mitigation

The contribution will be implemented from 1 September 2018. It will be a contribution towards the cost of providing travel assistance and will be payable by all 16-19 learners in receipt of home to school travel excluding those in receipt of a Personal Travel Budget agreed through the Education Travel Direct Payments Policy. Flexible payment terms are expected to include termly payments as with the purchase of spare seats on school buses.

4.5 Proposal 5

A parent/carer/learner can apply for a Personal Travel Budget where the overall cost is less than any alternative means of travel to the nearest suitable publicly funded sixth form school/ college. This applies to

learners with an EHCP aged 16-18 or those aged 19 who are continuing education started before their 19th birthday.

4.6 Proposal 6

Continue to provide free transport to adult learners (aged 19-25) with an EHCP who prove that they need travel support. We cannot offer a financial contribution for these cases and must arrange and pay for travel, as per legislation.

4.7 Implementation

The new arrangements will apply for all new applicants attending school/college from 1 September 2018

5. Other Options Considered

5.1. There are no other options since it is a statutory duty to publish the annual Post 16 travel policy statement by 31 May each year.

6. Background

6.1. Local authorities have a statutory duty under the Education Act 1996 to prepare and publish an annual transport policy statement specifying the transport arrangements it considers are necessary to ensure learners of sixth form age are able to access the education or training of their choice and to provide support where this is assessed as necessary

7. Implications of the Recommendations

7.1. Legal Implications

7.1.1. Local authorities have a statutory duty under the Education Act 1996 to prepare and publish an annual transport policy statement specifying the transport arrangements it considers are necessary to ensure learners of sixth form age are able to access the education or training of their choice and to provide support where this is assessed as necessary

7.1.2. The legislation gives local authorities the discretion to determine what transport and financial support is necessary.

7.1.3. Local authorities also have a statutory duty under the Education and Skills Act 2008 to assist young people with SEND up to the age of 25 in education and training. Information about what transport arrangements are available for these young people is also included in the transport statement.

7.1.4. The Council has taken account of the DfE statutory guidance “Post 16 transport to education and training”, October 2017, in formulating its post 16 transport policy statement.

7.2. Finance Implications

7.2.1. In 2014/15 the Council’s transport functions were transferred to a wholly owned company (Transport Service Solutions Ltd). The management fee paid to the company, of £8.9m annually, covers home to school transport for mainstream and SEND pupils.

7.2.2. The Council’s Medium Term Financial Strategy includes a target saving of £570,000 for 2018/19 and 2019/20 through a number of changes including these proposed changes to education travel policies, the Available Walking Routes programme and more cost effective provision of travel arrangements.

7.2.3. The financial implications of the proposed policy changes have been assessed based on November 2017 data provided by TSS Ltd. The combined cost savings and income generated are estimated to be £84k/annum by 2020 due to the proposed transitional arrangements.

7.2.4. The Council’s three year medium term financial strategy assumes that the savings from school transport will be delivered to enable the Council to maintain a balanced budget.

7.3. Equality Implications

7.3.1. The high level equality impact assessment was published alongside the consultation documents and will now be updated to reflect the final policy statement.

7.4. Human Resources Implications

7.4.1. Appropriate training is planned for all staff, especially front line, who will be required to implement the revised policy.

7.5. Risk Management Implications

7.5.1. The increasing pressures upon Council funding and the increasing demands on transport requires the Council to consider all transport processes.

7.6. Rural Communities Implications

7.6.1. The implications for rural communities do not change. The price of a spare seat for learners is the same irrespective of route or distance to school/college.

7.7. Implications for Children & Young People

7.7.1. The policy statement will apply to all young people aged 16 plus in education.

7.8. Public Health Implications

7.8.1. The public health implications will be considered as part of the corporate sustainable mode of travel strategy update which will examine and promote the healthiest way of travelling to school.

8. Ward Members Affected

8.1. The implications of this report are borough-wide.

9. Consultation & Engagement

9.1. The public consultation that has been undertaken ran from 14 February to 6 April 2018. A total of 20 completed responses were received from individuals. A detailed consultation report is included as Appendix A.

9.2. Appendix B lists the Council's responses to the concerns and issues raised; separated into a number of key themes which emerged from the feedback. This appendix also highlights where changes to the draft policy statement have been made as a result of this feedback.

9.3. The changes that will be made as a direct result of the consultation comments include:

- Greater emphasis on cycling as a mode of transport with signposting to both Sustrans.org.uk and Cyclinguk.org.uk.
- The requirement to apply for travel support on an annual basis will be changed to a bi-annual frequency or when circumstances change with an obligation on parents to advise CEC of such changes.
- The incorporation of the Direct Payments policy for post-16 learners to give greater choice and flexibility to parents
- Confirmation that the council will continue to make travel arrangements for 16-19 year old learners with SEND and an EHCP who are eligible for travel assistance
- Continue to provide free transport to adult learners (aged 19-25) with an EHCP who prove that they need travel support

10. Access to Information

10.1. Appendices A & B give details of the consultation that was undertaken and the council's response to that feedback respectively.

11. Contact Information

11.1. Any questions relating to this report should be directed to the following officer:

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Cheshire East Council

Post 16 Travel Policy Statement Consultation Summary of results

Production date:09/04/2018

Report produced by:

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Introduction

Background and Methodology

Between 14th February and 6th April 2018 the Council undertook an online survey to seek views concerning potential changes to the Post 16 Travel Policy Statement for 2018/19.

Cheshire East Council proposed to continue to provide at least the legislative minimum that is required to be provided by local authorities regarding this policy statement.

The survey was advertised in the schools bulletin, to the Parent Carers Forum, Foster Carers, Chester and Shrewsbury Dioceses and other Local Authorities. There were also media briefings on the Cheshire East Website. A total of 20 complete responses were received.

Please note: respondents could select more than one box for certain questions.

Analysis of Results

Profile of respondents

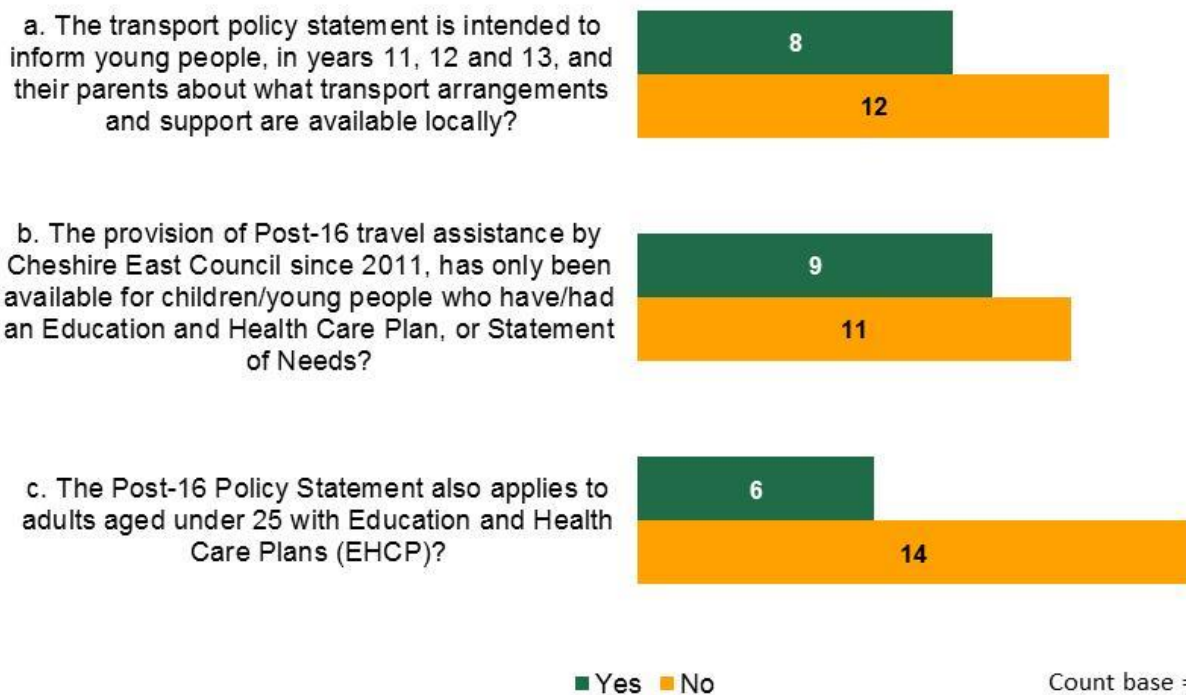
Respondents were asked how many children they currently have/care for and what type of school do these children currently attend. 12 respondents had/cared for one child, 3 had/cared for more than one child. Of those who had/cared for children, 9 had/cared for children who currently attend secondary school and 10 had/cared for children currently attending special school.

At the time the survey was conducted 13 respondents were receiving free transport to school. 11 stated they received it due to special educational needs and/or disability and 8 stated they received it due to the distance to the school.

National Policy/ Statutory Duty

Respondents were asked if they were aware of three given statements related to national policy/ statutory duty. Responses are shown in figure 1 below; slightly more respondents were unaware than were aware.

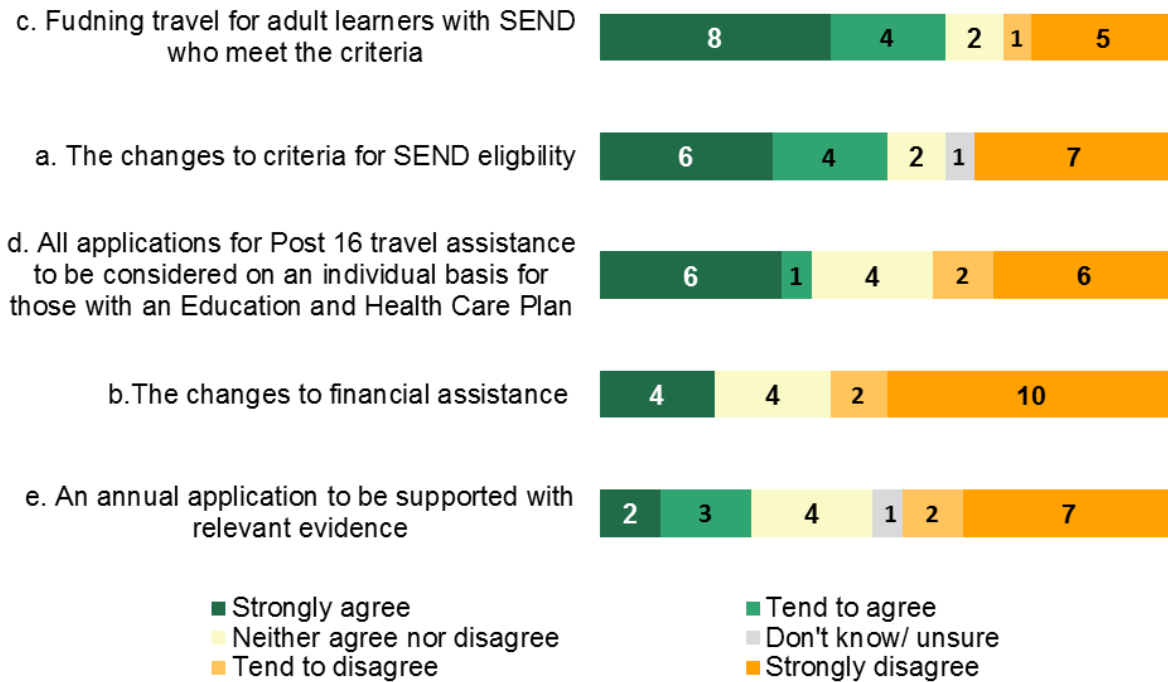
Figure1: Total number of respondents who were aware that...



Proposed changes to current policies

Respondents were asked how strongly they agree or disagree with the proposed new policies that were highlighted within the draft document which would bring the Council in line with statutory guidance. Responses are shown in figure 2 below.

Figure 2: Agreement/disagreement with the proposed new policies



Count = 20

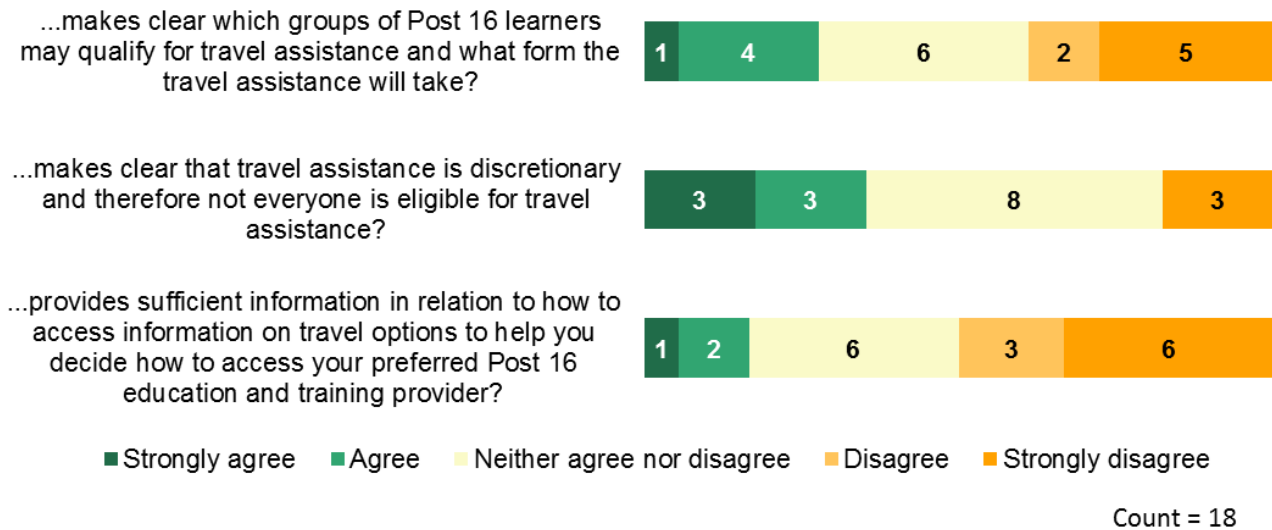
Those who disagreed with any of the statements were asked to explain their reasoning's if they so wished. 11 respondents chose to leave a comment. Table 1 shows the responses received for this question.

Table 1: If you have disagreed with any of the above, please explain why:		
Theme	Typical comment	Count
Lack of information given	<i>"There is no information on how individual decisions will be made, therefore there is not a clear policy or criteria to support this..."</i>	4
Impacting those with disabilities	<i>"..I believe this suggestion discriminates against those pupils with disabilities because they have to travel to school in the first place and this Council can offer them no alternative provision. It has become increasingly harder for parents to receive the mobility part of the PIP/DLA so many do not receive it, despite their child having significant learning difficulties. Just because there is no automatic right to provide something does not take away your moral responsibility to do so. Disability is not a choice.."</i>	7
Council making more problems for parents	<i>"...I already receive a direct payments package and this would be yet another job to administer on top of the all the other daily, weekly and monthly jobs involved in caring for such a child. My son's condition will not change, so asking for it to be considered annually is just making work for everyone, both Cheshire East and myself..."</i>	3
General concern	<i>"Children have to stay on in education until 18 so travel should be provided where necessary"</i>	2
Total number of references		16

Post 16 Travel Policy Statement

Respondents were asked whether they agreed or disagreed with various statements about the document, for example, whether it provides sufficient information and is clear. Responses are shown in figure 4 below.

Figure 4: Agreement/ disagreement that the post 16 document...



Queries or suggestions

Respondents were asked if they had any queries about, or suggestions on how we could improve travel, relating to the new Post-16 Policy Statement. 6 respondents chose to leave a comment. Table 2 shows the responses received for this question.

Table 2: Do you have any queries about, or suggestions on how we could improve travel, relating to the new Post-16 Policy Statement?		
Theme	Typical comment	Count
The need for clear information	<i>“Clear criteria in how judgements will be made Clear facts and figures on who and how families are going to be affected.”</i>	3
Queries around travel provision	<i>“What about escorts say daughter is epileptic will I have to pay extra for an escort as well”</i>	3
Additional consideration	<i>“...Please see https://www.cyclinguk.org/campaigning/views-and-briefings/cycle-friendly-schools-and-colleges-ctc-views https://www.cyclinguk.org/sites/default/files/document/2017/12/schools-and-colleges_7c_brf.pdf for good advice for parents and young people. Perhaps this could be added to the Post 16 Education Travel Policy Statement.”</i>	1
Total number of references		7

Any Other comments

Respondents were asked if they had any queries about, or suggestions on how we could improve travel, relating to the new Post-16 Policy Statement. 6 respondents chose to leave a comment. Table 2 shows the responses received for this question.

Table 3: Any other comments about the topics covered in the survey?		
Theme	Typical comment	Count
Disappointment with the policy	<i>"This is a sad reflection on a Council that seems not to care about its disabled young people and their families."</i>	1
Policy will be a barrier to education	<i>"...The whole group of both child, yp, adult and carers need support. The government stated they would help the most vulnerable in society and the almost managing. We are that group. Some children may not receive an education without transport and this is unacceptable."</i>	4
Additional consideration	<i>"Further info for Cycling to school please write to campaigns@cyclenguk.org"</i>	1

Next steps

Following the publication of this report senior officers will consider the findings and the comments received.

Where possible the policy statement will be amended as a result – within the operational and financial constraints faced by the Council.

This report will be shared with Members to inform the decision-making process which is due for completion at Cabinet on 8 May 2018

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APPENDIX C – CEC response to the comments from the public consultation

Proposals	Response	Changes made as a result of consultation
<p>1. Align the eligibility criteria to be the same as Pre 16 for SEND</p>		
<p>To align eligibility to be the same as that applied to Pre 16 learners with an Education and Health Care Plan (EHCP). Cabinet approved the change in the eligibility definition for Pre 16 learners on 13 March 2018.</p> <p>To be eligible, the student, cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability.</p>	<p><u>General Comments</u></p> <p>In accordance with DfE guidelines, children will retain eligibility, as appropriate, on SEND criteria. There is no automatic entitlement to travel assistance for a child or young person who has an Education and Health Care Plan (EHCP).</p> <p>Section 598B of the Education Act 1996 deals with the duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.</p> <p>The proposed criteria for children and young people with SEND includes two specific travel-related mobility eligibilities, which are:</p> <p>a) severely restricted independent mobility; and</p> <p>b) lack of awareness of common danger and age appropriate independence skills.</p> <p>The revised criteria meet the DfE requirements (As per Schedule 35 of The Act, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.)</p> <p><u>Implementation</u></p> <p>This will continue as it is now, with each case being considered on an individual basis. New referrals, or cases where there has been a change in circumstances, will be assessed against the new criteria with effective from 1st September 2018</p>	<p>None – this aligns the eligibility with that of pre-16 learners</p>

<p>2. Independent Travel Training</p> <p>Independent Travel Training for pupils with special educational needs may be made available where the LA deems this appropriate in consultation with parents.</p>	<p><u>General Comments</u> The life skills that this training can deliver to children and young people are considered beneficial both to the individuals and the Council.</p> <p><u>Implementation</u> The Council is in the process of identifying and securing an Independent Travel Training provider. The Council's SEND team are identifying individuals who will benefit from the training and it is expected that 20-30 children and young people per year will receive the training.</p>	<p>None – this is regarded as a beneficial development</p>
<p>3. Applications are made annually</p> <p>Applications for Post 16 travel assistance are made annually and supported by appropriate evidence.</p>	<p><u>General Comments</u> Given that individual circumstances/needs can change this will ensure support is targeted to those in need. Reviews can be aligned with the annual reviews of EHCP plans</p> <p><u>Implementation</u> All applications will be considered on a case-by-case basis based on individual needs</p>	<p>The timescales for review will be changed from annual to bi-annual, or when circumstances change</p>
<p>4. Financial Contribution from Learners/Parents/Carers</p> <p>Learners/parents/carers are expected to contribute to the costs of home to school/college travel incurred by the Council and this contribution will be comparable to the costs incurred by other post 16 learners who are not eligible for assistance</p>	<p><u>General Comments</u> Some post 16 education providers provide transport to their establishment, either through free bus services or by enabling Post 16 learners to access transport available to pre 16 pupils by purchasing a 'spare seat'. The Post 16 Transport Guidance issued by the Department for Education (DfE) in October 2017 states in Section 16.5 that <i>Local authorities may ask learners and their parents for a contribution to transport costs and in exercising their discretion they should:</i></p>	<p>The contribution has been fixed at £450 which is equitable with costs likely to be faced by non-eligible students.</p> <p>Flexible payment terms will allow for reduced</p>

	<ul style="list-style-type: none"> • ensure that any contribution is affordable for learners and their parents; • ensure that there are arrangements in place to support those families on low income; and • take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups. For example, as young people with special educational needs and disabilities are more likely to remain in education or training longer than their peers, any contribution sought from these families would need to allow for the fact they may have to contribute for longer. <p><u>Implementation</u> The contribution will be implemented from 1 September 2018. It will be a contribution towards the cost of providing travel assistance and will be comparable to the costs incurred by other post 16 learners who are not eligible for assistance and therefore will not disadvantage any group. It will be payable by all 16-19 learners in receipt of home to school travel excluding those in receipt of a Personal Travel Budget agreed through the Education Travel Direct Payments Policy. Flexible payment terms are expected to include termly payments as with the purchase of spare seats on school buses. The amount of £450 is comparable with the cost of a spare seat on a CEC school bus and also commercially available annual bus passes. It will therefore be equitable with the costs likely to be incurred by mainstream pupils.</p>	<p>impact on family budgets</p> <p>Families can request use of bursary to support transport from their school or college dependant on their individual policies.</p>
<p>5. Use of Direct Payment Policy</p>		
<p>A parent/carer/learner can apply for a Personal Travel Budget where the overall cost is less than any alternative means of travel to the nearest suitable publicly funded sixth form school/college. This applies to learners with an EHCP aged 16-18 or those aged 19 who are continuing education started before</p>	<p><u>General Comments</u> The introduction of direct payments as a lower cost option is beneficial for both recipients and the Council. It will only be offered when it is the lowest cost option. As per the policy: <i>It is intended that payments enable families to arrange their student's travel arrangements in a way that suits their personal circumstances best. Parents may choose how they use the payment, which might be to pay for fuel costs incurred in driving their child to</i></p>	<p>The Council has removed the mileage rate from the policy statement and replaced this with the Education Travel Direct Payment Policy which is more</p>

<p>their 19th birthday.</p>	<p><i>school, to pay for public transport, or to support travel arrangements made with family or friends. Alternatively, payments may be used towards childcare for a younger sibling whilst driving the older sibling to school in the family car. These are merely examples; the decision on how best to use the payment will be the parents' and not the Local Authority's, but must be to enable the eligible student to travel to school.</i></p> <p>This is a new policy (Education Travel Payment Policy) that is being introduced from 1st September 2018 although direct payments/personal transport budgets have been used previously as an alternative to providing transport.</p> <p><u>Implementation</u> A Personal Travel Budget may be offered to parent/carers for a child or young person who has an Education, Health Care Plan (EHCP) and is eligible under the revised criteria which is when the student "Cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability".</p> <p>As per the proposed Education Travel Payments Policy): <i>Where there is an entitlement to travel assistance a payment will only be offered to parents if this is more cost effective than the Local Authority providing transport or where there are difficulties for the Local Authority in negotiating a suitable transport contract and there is no available public service route.</i></p> <p>The offer of a Personal Travel Budget does not affect other budgets relating to SEND provision.</p>	<p>flexible. This allows parents more flexibility when considering their transport arrangements (e.g. shared transport)</p>
<p>6. Adult Learners</p>	<p><u>General Comments</u></p>	
<p>Continue to provide free transport to adult learners (aged 19-25) with an EHCP who prove that they need travel support. We cannot offer a financial</p>	<p>As per the proposed Travel policy statement, <i>Adult learners who, are aged between 19 and 25 years of age, maybe entitled to travel assistance from the local authority are those :</i></p>	<p>The proposals have been updated to comply with the latest legal requirements.</p>

<p>contribution for these cases and must arrange and pay for travel, as per legislation.</p>	<ul style="list-style-type: none"> • <i>where the local authority considers it necessary to make travel arrangements to enable them to attend maintained or further education colleges; or</i> • <i>the young person has an EHCP and is attending an institution outside the further or higher education sector and the local authority has secured the provision of that education or training and the provision of boarding accommodation in connection with that education or training.</i> <p><u>Implementation</u> There are circa 34 adult learners during 2017/18 academic year that are in receipt of free home to school travel assistance and this will continue subject to receipt of an application with supporting evidence.</p>	<p>Support will therefore continue</p>
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Themes not covered in the table above	Response	Changes made as a result of consultation
<p>Onus on parents to make travel arrangements and bear additional costs</p>	<p><u>General Comments</u></p> <p>Transport will be arranged and fully funded for adult learners who are eligible. This is a statutory requirement applicable to adult learners.</p> <p>Travel assistance is discretionary for post 16 learners and the Council recognises that young people with SEND who meet the eligibility criteria, i.e. have an assessed need should also receive travel assistance.</p> <p>The application of a parental contribution puts these students and families into an equitable position with other mainstream students</p>	<p>The Council will continue to make travel arrangements for 16-19 year old learners with SEND and an EHCP who are eligible for travel assistance.</p> <p>Where it is agreeable to parents/carers and it is cost effective for the Council to do so, Personal Travel Budgets will be agreed instead of arranging home to school/college travel. The flexibility this offers can have a positive impact on family arrangements</p>
<p>The timescales are too short to implement significant changes i.e. The LA is to publish the Post 16 travel policy statement for 2018/19 by 31 May 2018 for implementation on 1 September 2018</p>	<p><u>General Comments</u></p> <p>The timescales are as per the DfE Post 16 Transport Guidance. Opinion from Post 16 providers from within the borough was sought in November 2017 and a public consultation was held from 14 February to 6 April 2018.</p>	
<p>School transport should be fully funded</p>	<p><u>General Comments</u></p> <p>Transport will be arranged and fully funded for adult learners who are eligible. This is a statutory requirement applicable to adult learners.</p>	<p>Support will continue for young people with SEND who meet the eligibility</p>

	Travel assistance is discretionary for post 16 learners and the Council recognises that young people with SEND who meet the eligibility criteria, i.e. have an assessed need should also receive travel assistance.	criteria The application of a parental contribution puts these students and families into an equitable position with other mainstream students
Inadequacy of local provision	<u>General Comments</u> Developments are underway to increase local provision Where students have a need for specialist provision it is highly likely that their level of need will make them eligible for continuing travel support including when this is out of borough	
Legality of the proposals	<u>General Comments</u> The policy has been updated to comply with latest policy changes.	The proposals have been updated to comply with the latest legal requirements.
Cycling should be more prominently featured	<u>General Comments</u> The Sustainable Modes of Transport Strategy (currently out for public consultation) does include cycling as an opportunity for alternative travel	The statement will be adjusted to feature mention of groups such as Cyclinguk.org.uk

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Cabinet

Date of Meeting: 08 May 2018

Report Title: South Macclesfield Development Area

Portfolio Holder: Cllr A Arnold, Housing, Planning and Regeneration

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

- 1.1 This report seeks Cabinet approval to expedite the longstanding development scheme at South Macclesfield Development Area (SMDA). As shown at Appendix 1 the Council and TG Ltd are the principal landowners, with a small unregistered parcel to be acquired to enable full scheme delivery.
- 1.2 Cabinet will be aware that this is a priority scheme for a number of reasons:
 - 1.2.1 It is allocated in the adopted Local Plan with the aim of delivering over 1000 new homes, employment land, a new Link Road (connecting Congleton Road and London Road) and open space.
 - 1.2.2 It will bring forward new homes on this land, which is crucial to delivery of the Council's five year housing supply.
 - 1.2.3 The Link Road is identified as a highways priority in the Council's Infrastructure Plan and the Macclesfield Movement Strategy.
 - 1.2.4 It has potential to generate capital receipts in support of the Council's medium term financial strategy.
- 1.3 There has been some good recent progress, including:-
 - 1.3.1 A Resolution to grant outline planning approval in August 2017 for new homes, Link Road, a primary school, retail and employment uses.
 - 1.3.2 £10m award from the Housing Infrastructure Fund (HIF) by Homes England to part fund the new Link Road and other infrastructure.
- 1.4 However, in order to take the scheme forward Cabinet approvals in relation to the following key aspects of the delivery programme are now sought:-
 - 1.4.1 Land assembly, including via Compulsory Purchase where necessary.
 - 1.4.2 Acceptance of the Housing Infrastructure Grant Funding.
 - 1.4.3 Bringing forward a first phase of development.

2. Recommendations

2.1 It is recommended that Cabinet:-:

2.1.1 Delegates authority to the Executive Director of Place to agree the terms and conditions of a new Funding Agreement between Cheshire East Council and the other principal landowner TG Ltd, in consultation with the S151 Officer and the Director of Legal Services, and authorises the Executive Director of Place to take all appropriate action to enter into said Funding Agreement.

2.2 Subject to the above, it is recommended that Cabinet:-

2.2.1 Delegates authority to the Executive Director of Place, in consultation with the Portfolio Holder for Housing, Planning and Regeneration and the Director of Legal Services, to take all necessary actions to secure the acquisition of land and/or new rights to enable the construction of the Link Road and the delivery of all other planning objectives sought from the development of the SMDA site including, where required, by use of Compulsory Purchase Order (CPO).

2.2.2 Delegates authority to the Executive Director of Place to agree the Terms and Conditions of the Grant offer from Homes England, in consultation with the S151 Officer and the Director of Legal Services, and authorises the Executive Director of Place to take all necessary actions to enter into an appropriate agreement.

2.2.3 Delegates authority to the Executive Director of Place to take all actions necessary to procure the required highways infrastructure, utilities and ground stabilisation works as set out in the Grant offer from Homes England and summarised in this report.

2.2.4 Authorises the Executive Director of Place, in consultation with the S151 Officer and Director of Legal Services, to enter into a contract with the winning tenderer for the construction of the Link Road at the appropriate time and within the approved budget.

2.2.5 Delegates authority to the Executive Director of Place to take all actions necessary to dispose of Council owned land in order to bring forward a first phase of housing-led development.

2.2.6 Delegates authority to the Executive Director of Place, in consultation with the Portfolio Holder for Housing, Regeneration and Planning and the S151 Officer, to take action to increase the quantum of affordable housing across the site back towards the planning policy requirement of 30%, if commercially viable in line with the Funding Agreement/contract with TG Ltd.

3. Reasons for Recommendations

3.1 The overarching reason for the recommendations is to expedite the delivery of this longstanding priority scheme, which will support the delivery of a number of key Council objectives, as set out in section 1 of this report.

- 3.2 The Council is seeking to build upon and strengthen the collaborative working arrangements with the other principal landowner, TG Ltd, the other principal landowner, via a new Funding Agreement to recoup the Council's front end investment in essential and enabling infrastructure in relation to TG's land.
- 3.3 Delegated authority to assemble the site, including where required via CPO powers, is now necessary to bring the SMDA scheme forward without delay. In particular, the new Link Road is essential enabling infrastructure for the whole site and, thus, possession of the currently unregistered land is critical in ensuring its delivery at the earliest opportunity.
- 3.4 The £10m award from the Housing Infrastructure Fund is conditional on the Council entering into a formal agreement with Homes England and providing match funding. The Council's £10m contribution was confirmed within the Capital Programme on 22nd February 2018 as part of the Strategic Housing Sites Infrastructure Scheme. It is now important to enter into the formal agreement and to ensure the Council meets the Terms and Conditions of the Grant offer in a timely manner. This requires the Council to procure a contractor to deliver the new Link Road and associated utilities and grounds works set out therein.
- 3.5 Bringing forward a first phase of development on the Council's landholding at SMDA serves two key purposes. Firstly, it sends strong signals to the market that there is commitment being made to, and investment in, the SMDA scheme, in turn stimulating interest in subsequent phases. Secondly, soft market testing carried out has identified interest for retirement homes, extra care and nursing homes. The land identified is well suited to these uses and could make an important contribution to the Council's housing targets. Releasing this parcel of land as quickly as possible minimises the risk of alternative sites coming forward and satisfying demand for this type of facility.

4. Other Options Considered

- 4.1 Consideration was given to proceeding without Housing Infrastructure Funding but this would slow the pace of development and the early delivery of wider benefits described above.
- 4.2 Consideration was given to delaying the marketing of the Council land until the primary infrastructure is complete but this would result in a high risk that the demand will be satisfied on other available land in the SMDA area.

5. Background

5.1 Policy Context

- 5.1.1 The SMDA was adopted as a strategic site in the Council's Local Plan as site LPS 13. It forms a significant element of the Plan's housing supply, with the whole LPS 13 allocation targeted to deliver 1,132 dwellings. The Council must manage the delivery of the allocated sites to maintain a five year supply to protect against the release of further greenfield land for development. 950 of

the 1,132 new homes will be delivered on Council and TG owned land, which now benefits from an outline planning permission

5.2 Highways, Link Road and the potential need for a CPO

5.2.1 Ownership of a small land parcel which is required for the Link Road is unknown and unregistered. It will therefore potentially need to be acquired using a Compulsory Purchase Order (CPO).

5.3 Disposal of Part of the Council Owned Land

5.3.1 The identified potential users prefer main road locations and generally require proximity to local services. A suitable location would be adjacent to Congleton Road (Shown in Appendix 2). This section of the site could be brought forward in advance of completion of the Link Road with a separate access direct from Congleton Road. In terms of highways, a new access which serves only this development should be acceptable.

5.3.2 The release of this land as a first phase of housing led development would create tenure and demographic diversity, and help maintain a sustainable community. It would also generate an early capital receipt for the Council.

5.3.3 Around 3 acres (1.2 hectares) of land should be sufficient to accommodate demand. Assuming no significant abnormal costs, these uses would be expected to generate around £1 million per acre.

5.4 Housing Infrastructure Funding (HIF)

5.4.1 The Housing Infrastructure Fund will enable the delivery of the package of highways works. This includes core digital infrastructure, electricity and gas connections, water supply and drainage. Ground stabilisation and remediation work on the route of the highway will also be undertaken. The Council's £10m match-funding was included in the Capital Programme on 22nd February 2018.

5.4.2 The Link Road will increase the value of development land at SMDA and enable the Council to recoup its early investment in the highways infrastructure package via the emerging Funding Agreement with TG Ltd.

5.4.3 It will be important to procure contractors as soon as the Grant funding is in place to ensure Homes England's strict timetable with regard to spend is adhered to.

5.4.4 The indicative work programme is set out in the table below:

Activity	Date
Agree HIF Programme & Contract	April 2018
Enter into Collaboration Agreement with TG	May 2018
Commence land acquisition & CPO	June 2018
Commence procurement of contractor(s)	June 2018
Appoint contractor(s)	Jan 2019
Commence infrastructure works on site	Feb 2019
Commence disposal programme (sale of serviced land parcels)	June 2019
Complete infrastructure works	Aug 2020

6. Implications of the Recommendations

6.1 Legal Implications

6.1.1. In taking actions towards a potential CPO the Executive Director of Place, in consultation with the Portfolio Holder for Housing, Planning and Regeneration and the Director of Legal Services, must follow the relevant processes set out in The Local Government Act 1972 and be mindful of the public law principles set out in The Localism Act 2011. In demonstrating the public interest case for proceeding with a CPO the Executive Director of Place must also consider the Human Rights Act, as well as Articles 1 and 8 of the First Protocol to the European Convention on Human Rights. These Articles protect the rights of everyone to peaceful enjoyment of their possessions and private and family life, the home and correspondence respectively.

6.1.2 Further legal advice will be provided throughout the life of the project. In the next stages of work, this will focus on land acquisition/disposal processes, the terms of the Housing Infrastructure Grant funding conditions and ensuring compliance with public procurement legislation.

6.2 Finance Implications

6.2.1 The acquiring authority using CPO powers is expected to make clear the sources of funding for the land acquisition, compensation and the works themselves. The professional fees required to commence the CPO process are forecast at £50,000 to cover preliminary legal and surveyor's fees. This can be funded through Engine of the North's (EoTN) approved Business Plan.

- 6.2.3 The cost of pursuing the CPO through to implementation is difficult to estimate and will depend upon the success of private treaty negotiations. However, given the relatively small area of land to be acquired and its relatively low value use the costs for land assembly and compensation are not expected to be significant.
- 6.2.4 The actual costs incurred for land acquisition/ compensation will be subject to further approvals at the appropriate level, as required in the Constitution.
- 6.2.5 The Link Road will be funded through a combination of Housing Infrastructure Grant Funding and payments made by the developers / landowners. The development will contribute just under 50% of the scheme costs. The Council has already taken forward detailed design on key sections of the Link Road, including the east and west connections and the outline planning permission includes full approval to these elements. The costings are therefore accurate and up to date and the scheme is capable of being implemented immediately.
- 6.2.6 The emerging Funding Agreement with TG Ltd will provide a mechanism to enable the Council to recoup the front end investment in essential and enabling infrastructure in relation to TG's land.
- 6.2.7 Further ground stabilisation works will be required to create serviced land parcels capable of immediate development. A cost allowance has been built into the financial appraisals, which is based on the professional advice of a specialist cost consultancy that has extensive experience of delivering schemes with similar technical constraints. Soft market testing has been undertaken to provide further reassurance but the final price will be subject to formal tender. The strategy for delivering the ground stabilisation is currently in development with the objective of accelerating the delivery of new housing across the site. These works are not included in the initial £20m Council and Housing Grant Funding. Any further capital funding required will be subject to the Council's business planning processes and would be on the basis of recovering any investment through the enhancement in capital receipts.
- 6.2.8 This scheme is included within the Capital Addendum, as part of the Medium Term Financial Strategy approved at Council on 22nd February 2018. The Addendum includes projects of strategic importance, but where detailed business cases were not in place at the time the budget was approved. Items can be moved from the Addendum to the funded capital programme with the approval of the Portfolio Holder for Finance and Communications and the Interim Executive Director of Corporate Services. Such approval will be in place before expenditure on this scheme commences.

6.3 Equality Implications

- 6.3.1 Equality implications were considered as part of the Business Case preparation through a systematic Equality Impact screening assessment.

6.4 Human Resources Implications

6.4.1 There are no anticipated long-term impacts on establishment staffing levels or costs within EoTN or the Council. If additional temporary resources are required these will be met from the project or existing budgets.

6.5 Risk Management Implications

6.5.1 The full cost of a CPO process is unknown at the time it commences and this must be considered a risk. Pursuing a CPO would, where possible, be preceded by voluntary negotiations to acquire any necessary interests by agreement. The Council can confirm to the Secretary of State it no longer wishes to use CPO powers in respect of any interest should negotiations be successful or if the financial risks are considered to be too great. Delaying the pursuit of necessary acquisitions will delay the delivery of the Link Road and the associated policy objectives it will achieve.

6.5.2 This is a highly complex development project due to the abnormal ground condition constraints, including substantial peat deposits and former landfill.

6.5.3 The sale of the part of the site will be subject to the grant of a suitable planning permission and there is a risk that this might not be obtained. However, the principle of development and the type of use is consistent with planning policy and the approved Masterplan and the planning authority will be consulted on the proposal(s) received as part of EotN's due diligence in considering offers.

6.5.4 There is a risk that objections to the disposal of Public Open Space will result in a decision not to dispose of the site. However, the land is allocated for development in the Local Plan Strategy and the Masterplan has been approved by the Strategic Planning Board, subject to Section 106.

6.6 Rural Communities Implications

6.6.1 By developing this partly brownfield urban extension on the edge of Macclesfield, pressure is reduced on the greenbelt and open countryside.

6.7 Implications for Children & Young People

6.7.1 A primary school is proposed as part of outline application 17/1874M. Access to the school site is largely dictated by the delivery of the Link Road.

6.8 Public Health Implications

6.8.1 This development will result in job creation and high quality homes. It may also result in new care facilities and provision. Completion of the Link Road will reduce congestion which will improve air quality in the surrounding area thus contributing to public health objectives.

7. Ward Members Affected

7.1 Macclesfield South – Cllr Laura Jeuda , Cllr Chris Andrew

8. Access to Information

8.1 This paper is based upon the following information:

- Local Plan Strategy
- The information contained within the ES and DAS submitted as part of application 17/1874M.
- Plan of land ownerships
- Plan of proposed Link Road route.

9. Contact Information

9.1 Any questions relating to this report should be directed to the following officer:

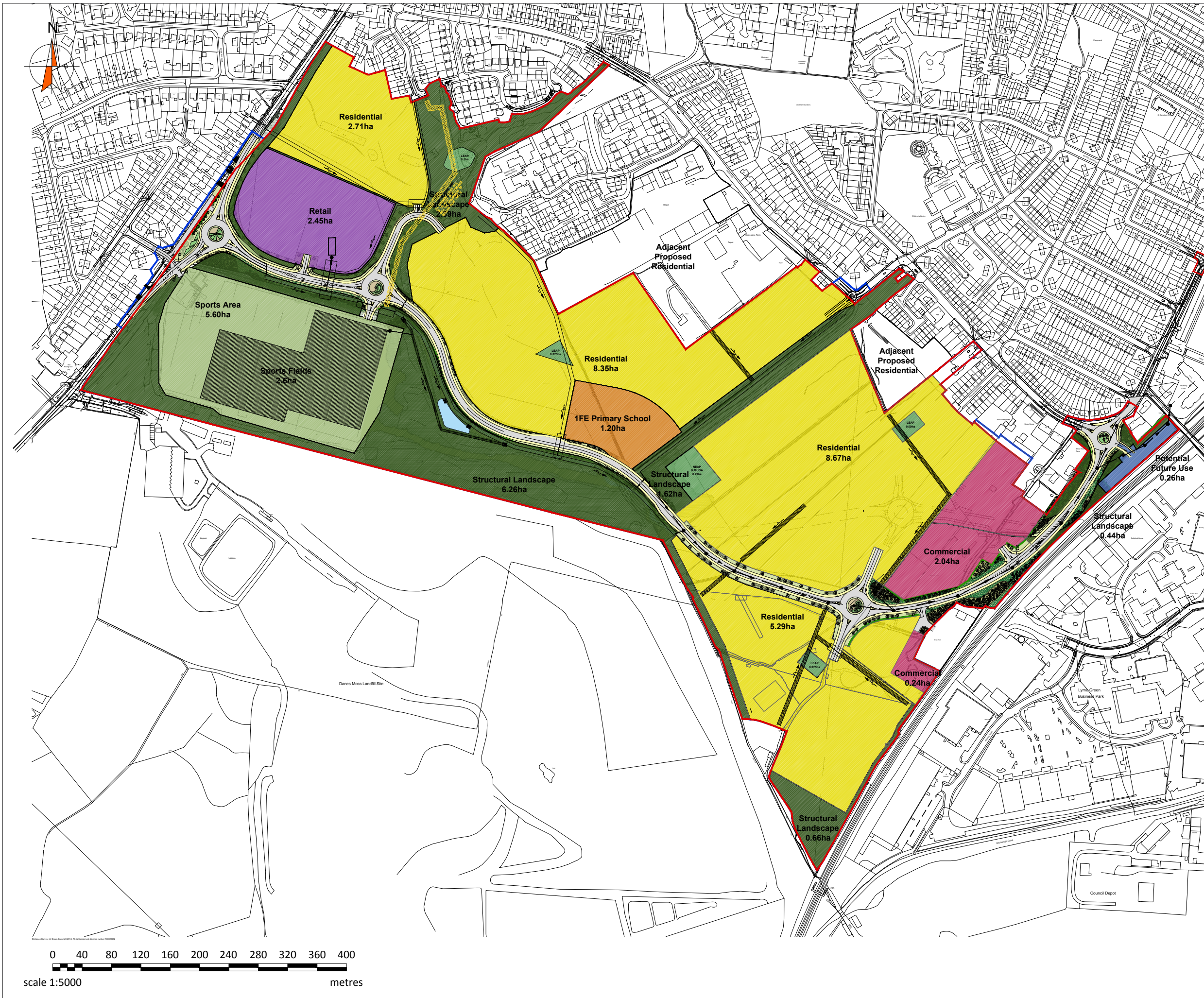
Name: Kathryn Carr

Job Title: Interim Director Growth and Regeneration

Email: Kathryn.Carr@cheshireeast.gov.uk

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Appendix 2



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all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

notes:
Area boundaries are indicative and subject to detailed design evolution.
Assumes 1,500m³ attenuation along link road swale (1500m x 1m²)
London road junction improvements are included within the Transportation report

- Main Development Area: 54.1ha
 - Previous Development Area: 54.65ha
 - Residential: 25.02ha
 - Commercial 2.28ha
 - Retail 2.45ha
 - Primary School (1FE): 1.20ha
 - Potential Future Use: 0.26ha
 - Sports Area: 5.60ha
 - Equipped Play Areas: 0.63ha (plus LAPs)
 - Structural Landscape (inc. Ecology): 11.37ha
 - Infrastructure: 5.24ha
- Indicative Attenuation Areas

rev: date: comment(s): name: check:

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ARCHITECTS.
URBAN DESIGNERS.
PLANNERS.
PROJECT MANAGERS.
LANDSCAPE ARCHITECTS.

WE ARE IDP.

status: **PLANNING** RIBA Stage: 3

client: TG Ltd. / EoTN

job: SMDA

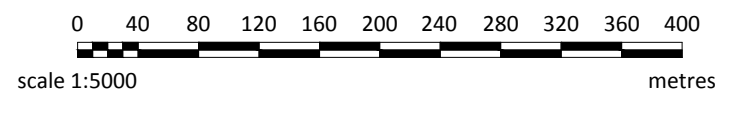
title: Updated Link Road on Approved Parameter Plan

drawn: JDW date: 23.10.17

checked: BDF scale @ a3: 1:5000

job no: **C2275** drg no: **P013**

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Cabinet

Date of Meeting: 08 May 2018

Report Title: Alliance Environmental Services Ltd – Phase 2

Portfolio Holder: Cllr Paul Bates – Finance and Communication

Cllr Don Stockton - Environment

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

- 1.1. Ansa Environmental Services Limited (Ansa), a company owned by Cheshire East Council was established in April 2014 with the objective of delivering key services, such as waste collection, to the residents of Cheshire East whilst at the same time looking to secure new income generating opportunities to assist the council in funding its essential services.
- 1.2. As such Ansa's business plan seeks to explore opportunities to expand its customer base. In June 2017 Cabinet gave approval for Ansa to form a Joint Venture (JV) Company called Alliance Environmental Services Ltd (AES) in collaboration with High Peak Borough Council (HPBC) and Staffordshire Moorlands District Council (SMDC).
- 1.3. It was also agreed that this Joint Venture would be developed on an incremental basis and in discrete phases. The first phase was implemented on 4 August 2017 and this delivered the successful transfer of waste collection and associated waste fleet management services from HPBC to Alliance Environmental Services. Although AES has only been trading for a relatively short amount of time, Phase 1 has been seen as a success by the JV partners (HPBC and SMDC). AES has continued to deliver services to a high standard whilst also being on target to achieve the desired efficiencies for High Peak Borough Council. In addition it is delivering the anticipated financial benefits back to Cheshire East Council.
- 1.4. This report seeks the approval of Cabinet to implement a second phase of this Joint Venture. The scope of Phase 2 will focus upon expanding the scope of services to incorporate waste collection and fleet management services currently being directly delivered by SMDC. This will include the TUPE (*Transfer of Undertakings, Protection of Employment*) transfer of existing employees from SMDC who are currently delivering the waste

collection service and a small number of mechanics and fitters from their outsourced fleet maintenance provider to AES.

- 1.5. The business case has been reviewed by the Council and also by independent external consultants (Retearn) who have supported the required due diligence process.
- 1.6. The geographical operating area of Phase 2 sits outside the boundary of Cheshire East. All works undertaken will be delivered through facilities available within Staffordshire Moorlands and will not impact upon services provided by Ansa to the residents of Cheshire East.
- 1.7. The purpose of the report is to secure Cabinet approval for Ansa via AES Ltd to deliver waste collection and associated waste fleet management for SMDC (Phase 2) with a planned commencement date of 1st July 2018.
- 1.8. It is be noted that by committing to “Phase 2” activities, with AES contracting with Staffordshire Moorlands there will not be any further commitment to continue to any future phases.
- 1.9. Any further expansion of AES will be subject to a separate approval of Cabinet.

2. Recommendations

- 2.1. Cabinet is recommended to:
 - 2.1.1. Note the findings of the due diligence work undertaken by Retearn and Cheshire East Council legal services on the detailed business plan for implementing Phase 2 (Appendices 1 and 2).
 - 2.1.2. Approve the expansion of Alliance Environmental Services to include the delivery of waste collection and fleet management services on behalf of Staffordshire Moorlands District Council.
 - 2.1.3. Authorise the Executive Director, Place in consultation with the Portfolio Holder for the Environment to finalise the financial, legal and technical details of Phase 2.

3. Reasons for Recommendation/s

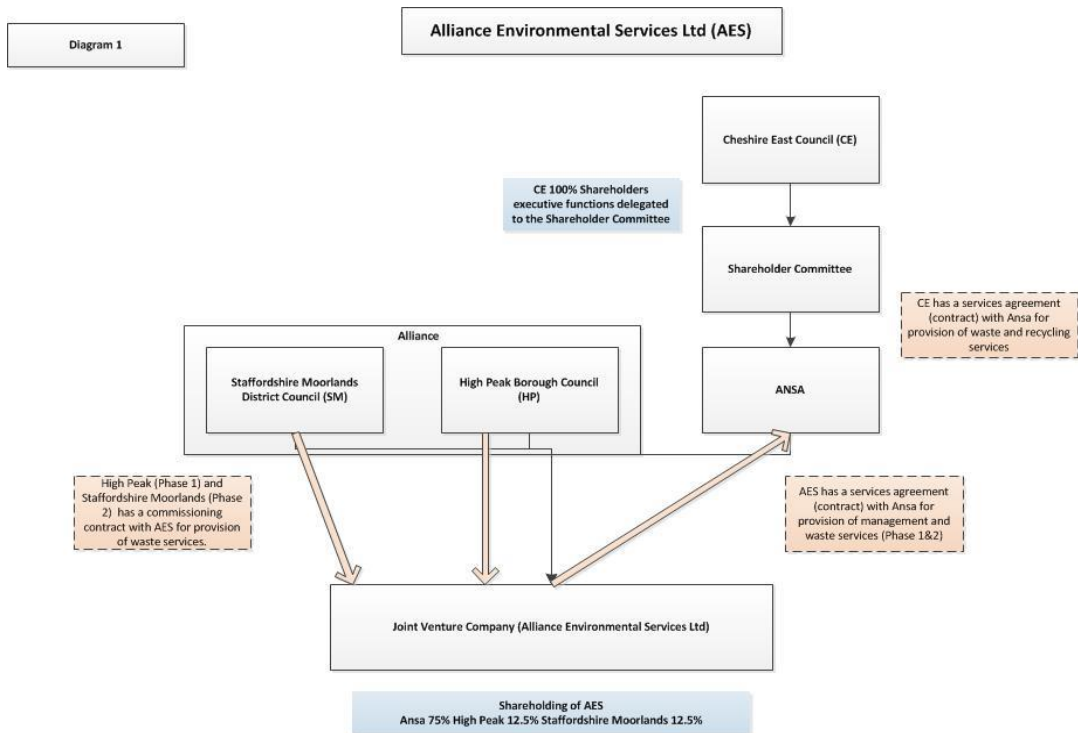
- 3.1. Phase 2 of the project is now focussed on progressing the expansion of AES as per the agreed objectives for the joint venture.

4. Other Options Considered

- 4.1. In February 2016 HPBC and SMDC considered three options for the future delivery of its Council's waste collection services. These included:
- Delivery of services in-house
 - The contracting out of services
 - Exploring partnership models with other councils and/or providers.
- 4.2. Following an option appraisal undertaken by HPBC and SMDC it was concluded that the JV partnership model was the preferred option and on this basis AES was developed.
- 4.3. Ansa has considered the option of not progressing with Phase 2 however this would create the following risks:
- Reputational damage
 - Potential damage to relationships with the existing JV partners
 - Reduced ability to deliver proposed efficiency savings on the phase 1 contract as economies of scale would be limited
 - Reduced ability to deliver the level of shared overheads between Ansa and AES over the contract lifetime that form a key element of the financial business case for the set-up of the initial joint venture.
- 4.4. As part of the due diligence work, Cheshire East Council has considered other options with regard to how Phase 2 can be delivered. The current governance structure has been reviewed including the option to restructure the governance arrangements. However having undertaken this review the current governance arrangements are the preferred option.

5. Background

- 5.1. At the June 2017 meeting of Cabinet, a business expansion opportunity for Ansa was considered with the establishment of a joint venture trading company with High Peak Borough Council and Staffordshire Moorlands District Council.
- 5.2. The first phase of this project went live, as scheduled, at midnight on Friday 4th August 2017 with the formation of AES Ltd. Waste collection services commenced on Monday 7th August 2017 for HPBC.
- 5.3. The governance arrangements established for Phase 1 will be replicated for Phase 2 and are shown in Diagram 1 below.



- 5.4. In developing the second phase for the project a project board has been established which includes representatives from Ansa and HPBC/SMDC (the management alliance). The Council has also established a project board to oversee the required due diligence and decision making processes.
- 5.5. Retearn have undertaken a due diligence exercise on the detailed business case for Phase 2 covering both the operating and financial risk (see Appendix 1, the Appendix contains exempt information and is included in Part 2 of the agenda).The highlights of their report are that:
 - 5.5.1. Phase 1 is working very well and all KPIs are being met
 - 5.5.2. The risk profile for Phase 2 is assessed as low, this is due to the Phase 2 model being a replication of Phase 1, the processes are identical, using the same staff, same vehicles and there are no concerns regarding an extension to AES’s operating license.
 - 5.5.3. It is acknowledged that whilst there is still some work to be done, the conclusion of the study is that a large proportion of the work is planned and that there is time to complete it prior to sign off and service commencement.
- 5.6. Ansa has a detailed management plan in place to effectively deliver the required work in time for the planned mobilisation date .

5.7. As identified by Retearn considerable work has been undertaken so far and subject to Cabinet approval it is anticipated that Staffordshire Moorlands waste collection would commence as of the 1st July 2018.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The creation of AES Ltd and externalisation of the services from High Peak and Staffordshire Moorlands is subject to The Public Contracts Regulations 2015 (PCRs).

6.1.2. However, Regulation 12 of the PCRs allows a third party contract with a “Teckal” compliant company not to be treated as a public service contract i.e. it can be treated as exempt from the PCRs.

6.1.3. For the exemption to apply the company needs to pass the “Control and Function Test”. The requirements of which are as follows:

- The local authority needs to exercise decisive influence over strategic objectives and significant decisions;
- Over 80% of the activities need to be undertaken / performed for the controlling public bodies;
- The company cannot include any private sector ownership;
- The primary purpose of the company is not commercially oriented i.e. it is mainly delivering public services.

6.1.4. The Agreement between Staffordshire Moorlands and AES is a tripartite agreement with Ansa guaranteeing the performance of the services by AES. Ansa is the principal obligor of the 3 parties forming AES and will be primarily liable for the contracts performance over the 10 year contract term.

6.1.5. ANSA, High Peak and Staffordshire Moorlands can contract with each other to create a JV (AES) and award a service contract to ANSA without breaching the PCRs. However, the service contract between ANSA and AES could impact on CEC’s ability to remain within the Teckal exemption. In the event that the services provided to AES, along with other services provided to entities other than CEC, exceed 20% of Ansa’s total activities CEC will not be able to rely on Regulation 12(4) of the PCRs and directly award contracts to Ansa. This will be addressed as part of Ansa’s reporting obligations under its operating agreement with the Council.

6.1.6. In order to avoid illegal state aid Ansa must ensure that services provided to AES are on a full cost recovery, inclusive of appropriate overheads,

basis to ensure that the company does not receive a “competitive advantage”.

6.1.7. Appendix 2 (The Appendix contains exempt information and is included in Part 2 of the agenda) provides further detail on the legal due diligence that has been undertaken by CEC legal services. It is recognised that the risks for Phase 2 remain the same as in Phase 1 and that Ansa’s replication of the AES model for Phase 2 will need to be carefully managed so as to ensure that, in the event that Ansa is no longer considered an in house company, it is in a position to stand alone in the market and bid for not only the Council’s contract but also the management services contracts of its joint ventures.

6.2. Finance Implications

6.2.1. The business case prepared by Ansa for Phase 2 has considered the full financial implications in respect of this proposal, including identifying associated risks, and how risks and opportunities will be appropriately managed in the development of a commercial contract between Ansa, High Peak and Staffordshire Moorlands Councils.

6.2.2. External professional advice has been procured via Retearn, to carry out the necessary due diligence, and provide the levels of commercial experience and assurance necessary.

6.2.3. The combined turnover of all related operations across High Peak and Staffordshire Moorlands is in excess of £7m per annum, with the waste collection service costs associated with Phase 2 (Staffordshire Moorlands) being in the order of £4m per annum. The business case for Cheshire East demonstrates positive financial returns for Ansa and the Council. In practice the costs of delivering services and realising financial savings for respective parties will be reflected in annual management fees and a rolling three-year service business plan. The contract with both Staffordshire Moorlands and High Peak (for phase 2) will be commercially sound, including being clear on risk sharing arrangements and responsibilities for cost variations (e.g. changes in demand/ service levels). The contracts will specify what will happen in the event of losses/ failure of AES, for various reasons; how adverse implications may be managed or mitigated (e.g. guarantees in place; insurance arrangements); and how any residual losses will be shared between the parties.

6.2.4. Prior to commencement of phase 2 activities, full management fee schedule will be finalised and agreed with all parties.

6.3. Policy Implications

6.3.1. The expansion of AES Ltd to include Phase 2 is not within the geographical footprint of Cheshire East and as such has no direct impact on Cheshire East Council policy.

6.4. Equality Implications

6.4.1. The geographical operating area of Phase 2 sits beyond the eastern boundary of Cheshire East and therefore will have no Equality implications for the Residents of Cheshire East.

6.4.2. For any service changes considered by Phase 2 associated with services provided to the residents of Staffordshire Moorlands full Equality Impact Assessments will be undertaken by the respective Councils

6.4.3. All employees transferring into AES Ltd from SMDC will do so under TUPE Regulations. These regulations preserve employees' terms and conditions when a business or undertaking is transferred to a new employer.

6.5. Human Resources Implications

6.5.1. The implementation of Phase 2 will result in the transfer of employees from SMDC to AES. Any transfers will be conducted in accordance with the TUPE process. Phase 2 activities will impact 55 existing waste collection employees who are directly employed by SMDC including a small management/administrative team along with vehicle drivers/loaders. In addition to SMDC employees there is a small number of fleet mechanics (5) who will have TUPE rights to transfer to AES from the incumbent fleet provider. All human resource requirements associated with the transfer will be conducted by Ansa Environmental Services Limited.

6.6. Risk Management Implications

6.6.1. A detailed risk register has been developed that sets out the potential risks and opportunities associated with the project. Each risk has a mitigation plan in place and is closely monitored.

6.7. Rural Communities Implications

6.7.1. The geographical operating area of Phase 2 sits beyond the eastern boundary of Cheshire East and therefore will have no impact upon the rural community of Cheshire East. All works undertaken by the JV will be done-so through facilities available within High Peak and Staffordshire

Moorlands and will not impact upon services provided by Ansa to the residents of Cheshire East.

6.8. Implications for Children & Young People

6.8.1. The geographical operating area of Phase 2 sits beyond the geographical footprint of Cheshire East and as such has no direct impact on the children and young people of Cheshire East.

6.9. Public Health Implications

6.9.1. The geographical operating area of Phase 2 sits beyond the geographical footprint of Cheshire East and as such has no direct impact on the public health of residents in Cheshire East.

7. Ward Members Affected

7.1.1. The geographical operating area of Phase 2 sits outside the boundary of Cheshire East and therefore will have no impact upon any Wards or Ward Members of Cheshire East. All Phase 2 works will be done through facilities available within Staffordshire Moorlands and will not impact upon services provided by Ansa to the residents of Cheshire East.

8. Consultation & Engagement

8.1. Throughout the development of Phase 2, regular progress updates have been provided to Ansa Directors and CEC Portfolio Holders.

8.2. During the mobilisation period, employee consultation will be conducted with all employees within scope for the TUPE transfer. This will be done in accordance with formal consultation procedures that will be initiated by SMDC as the existing employer and then subsequently managed by Ansa/AES.

8.3. Residents of SMDC will be consulted over any proposed service changes that they may experience as a consequence of the transition between service providers.

8.4. Trade Unions associated with Ansa have been briefed.

9. Access to Information

9.1. Appendices 1 and 2 to this report contain exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and are therefore NOT FOR PUBLICATION. The Appendices will be considered in Part 2 of the agenda.

9.2. For access to any further information contact the report author as listed below.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Frank Jordan

Job Title: Executive Director - Place

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