



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Social and Community Overview and Scrutiny Committee

Monday, 7 November 2011
6.00 pm
Pittville Room, Municipal Offices

Membership	
Councillors:	Chris Coleman, Anne Regan (Chair), Rowena Hay (Vice-Chair), Diggory Seacome, Duncan Smith, Jo Teakle, Jon Walklett, Wendy Flynn and Simon Wheeler
Coopteers:	James Harrison and Karl Hemming

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Agreement of minutes of meeting held on 5 September 2011	(Pages 1 - 12)
4.	PUBLIC QUESTIONS AND PETITIONS Public questions must be received no later than 10am on the fifth working day before the date of the meeting	
5.	MATTERS REFERRED TO COMMITTEE	
6.	CABINET MEMBER BRIEFING Cabinet Member Housing and Safety Cabinet Member Finance and Community Development Cabinet Member Sport and Culture	
7.	CHELTENHAM FESTIVALS Presentation by the Chief Executive, Cheltenham Festivals	
8.	COUNTY SAFER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE Verbal update from Cllr McCloskey, CBC representative on committee	

9.		LICENSING ACT Attached is the briefing note on Amendments to Licensing Act 2003 circulated with the papers of meeting held on 5 September 2011.	(Pages 13 - 18)
10.		COMMITTEE WORK PLAN	(Pages 19 - 22)
11.		ANY OTHER BUSINESS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	
12.		DATE OF NEXT MEETING Monday 9 January 2012	
		BRIEFING NOTE-FOR INFORMATION ONLY <ul style="list-style-type: none"> • Welfare Reform • Update on Leisure and Culture Commissioning Review 	

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Social and Community Overview and Scrutiny Committee

Monday, 5th September, 2011

6.00 - 8.05 pm

Attendees	
Councillors:	Anne Regan (Chair), Chris Coleman, Wendy Flynn, Rowena Hay, Diggory Seacome, Jo Teakle and Jon Walklett
Co-optees:	
Also in attendance:	Grahame Lewis, Councillor Andrew McKinlay, Councillor Klara Sudbury and Councillor John Webster

Minutes

1. APOLOGIES

Apologies were received from James Harrison.

2. DECLARATIONS OF INTEREST

Councillor Walklett declared a personal interest in agenda item 7 (HRA Business Plan) as a Board Member of Cheltenham Borough Homes.

3. AGREEMENT OF MINUTES OF MEETING HELD ON 11 JULY 2011

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 11 July 2011 be agreed and signed as an accurate record.

4. PUBLIC QUESTIONS AND PETITIONS

No public questions or petitions were received.

5. MATTERS REFERRED TO COMMITTEE

There were no matters referred to the committee.

6. CABINET MEMBER BRIEFING

The Cabinet Member Sport and Culture informed Members of the following:

- The council had once again run successful play development sessions over the summer. These were delivered at a lower cost to the council as they operated from 2 sites instead of 3. A total of 1,491 attendances were recorded on Playschemes over the five week period. The Summer of Sport programme also recorded 1,426 attendances.
- the council had appointed the contractors ISG for the Art Gallery and Museum redevelopment and had started removing asbestos from the building
- the teaching pool at Leisure@ had recently been closed due to a water quality issue. Remedial action had now been taken. The main pool was not affected.
- The consultation process for the Leisure and Culture review was now underway and 100 stakeholders had been invited to comment on the future of leisure and culture in Cheltenham. The consultation would be completed by the end of the month and a briefing session would be held for all councillors soon after. This would then feed into the interim report due to go to Cabinet in November.

When asked whether the works for the Art Gallery and Museum were on target the Cabinet Member explained that the works had started on time, the process for selecting contractors had gone well and the contract had come in under budget although this was being treated with caution.

The Cabinet Member Housing and Safety informed the committee that with regard to youth services the council was trying to address the gaps left by the withdrawal of funding by the county council. CBC had been allocated £50k by the county to support youth provision in the district. County community projects were progressing well and a full time worker had been recruited, due to commence work on 19 September. The bidding process for the county council funding was due to close at the end of the week and a selection panel would meet next Wednesday to sift through the bids from the voluntary and community groups. A Cabinet decision was expected on 27 September.

The Cabinet Member Finance and Community Development had nothing to report on this occasion.

7. HRA BUSINESS PLAN

The Assistant Chief Executive Resources (CBH) informed members that good progress was being made in the preparation of the HRA Business Plan. The emphasis was on the completion of the Asset Management Strategy which was being informed by the continuing rolling programme of stock surveys. CBH was starting to inform tenants and an article had been placed in CBH news and sent to all tenants. Following Cabinet in mid October tenants would be formally consulted. The first draft of the emerging HRA Business Plan would be presented to the Housing Working Group on 20 September and the CBH board on 21 September. This would enable a debate on the strategic options available to the Council given the increased resources for self financing. An outline business plan would be considered by Cabinet on 18 October and following the final government settlement after Christmas a final business plan would be submitted to the January/February committee process.

The Assistant Chief Executive Resources (CBH) referred to the DCLG consultation document on the implementation of self financing and the Government consultation on streamlining council housing asset management-disposals and use of receipts. These issues would be discussed by the Housing Working Group in mid September. These represented very significant changes to the way housing is financed but this was potentially very good news for local authorities.

In response to questions from Members the Assistant Chief Executive (CBH) made the following comments:

- In right to buy sales the bulk of funds went to the Treasury but in terms of the sale of empty properties or sale of land for housing receipts could be used for affordable housing or regeneration projects.
- In terms of consulting tenants on how funds should be spent under the new self-financing arrangements both existing tenants and those on the waiting list would be consulted as a balance needed to be met between updating properties and new build. He highlighted that there were issues with the scarcity of land in the borough. At the same time with the continual rise in community expectations the condition of dwellings should be reviewed.
- The number of acquired stocks were on the decrease as some were expensive to maintain and therefore disposed of as they were deemed inappropriate for social housing. Specific reference to acquired stocks was made in the Asset Management Strategy and these properties were being examined to see if better value could be realised from a market sale so that receipts acquired could be used for building new properties. The Asset Management Working group were involved in this work and the Cabinet Member Finance and Community Development stated that only a handful of properties fell into this category.

8. HOUSING REVIEW WORKING GROUP - UPDATE

The Director of Commissioning introduced the report and explained that a housing review had been initiated in response to legislative changes both to housing policy and welfare reforms. The review group was not yet in a position to make formal recommendations on what actions needed to be taken in response to these changes but had been examining the main changes, opportunities and challenges and interdependences with other areas. The review group would make recommendations and put together a strategy to underpin the HRA business plan. Welfare reforms were causing most concern as there would be significant impact on the most vulnerable and private sector residents too.

In response to questions from Members the Assistant Director Commissioning made the following comments :

- The impact of the welfare reforms was of great concern. The Housing Options and Benefits Teams were working very closely with landlords and families as there were real issues in terms of levels of rents

- The role of locally elected representatives in resolving problems in their areas would be explored further with the review group
- Further work would be done on the implications of incentive schemes which facilitate moves out of the social rented sector into owner occupation and whether such schemes related to housing association tenants.
- With regard to affordable homes there was a mismatch whereby resources generated at a district level were not ringfenced for reinvesting in the same district area.
- There were currently only 2 private landlords on the private rented sector landlords forum so action would be taken to encourage more participation
- The Council was doing what it could in terms of communicating with vulnerable people, especially as a number of tenants potentially faced being forced out of their accommodation. This issue would be flagged up with the review group for further examination.
- In terms of the allocations scheme those wishing to apply for housing had to meet a set criteria. The Council's Choice Based Lettings Scheme would be examined to see if the process could be improved.

9. REVIEW OF NEIGHBOURHOOD MANAGEMENT PROCESS

The Cabinet Member Finance and Community Development reminded members of the background to neighbourhood management in the borough which had started with a focus on the community regeneration areas but was now rolled out to the rest of the borough. By encouraging local people to work with each other around specific problems, neighbourhood management was proving to be a successful vehicle for rebuilding communities.

The Policy and Partnerships Manager explained that in March 2010 Cabinet agreed to provide funding to enable neighbourhood coordination groups (NCG) to take ownership of the neighbourhood management process. The Police, the County Council and CBH also supported the process. The table in section 3.2 of the report outlined progress made to date and section 4 reported on areas of success. Communities now had greater flexibility in the way meetings were run. The review meeting held in June identified areas for further development including the encouraging NCGs to move beyond dealing with problems to discussing opportunities.

Members raised the issue of the timing of meetings which were predominantly held in the daytime and therefore excluded some members of the public from attending.

In response to questions from Members the Policy and Partnerships Manager confirmed that the funding of £30k was one-off funding. The aim was to pump-prime the process and make it sustainable for groups to take over. When asked why there were different allocations in funding ranging from £800 to £5000 he explained that different organisations had approached the council for a level of funding which they deemed necessary. The Cabinet Member Finance and Community Development assured Members that funding remained available until the allocated budget was exhausted.

10. IMPROVING PARTNERSHIP STRUCTURES

The Policy and Partnerships Manager introduced his discussion paper by explaining that there was now more flexibility for redesigning partnership structures that could support the commissioning and delivery of public services to meet local needs following the demise of the local area agreement, comprehensive area assessments and the statutory obligations to produce a community strategy. Senior officers and practitioners within the public sector had participated in the Partnership Improvement Programme (PIP) to draw up a draft partnership structure with fewer partnerships and simplified governance arrangements. The draft structure was endorsed by the Cheltenham Strategic Partnership in June and members were invited to comment on the consultation document.

In response to comments from Members the Policy and Partnerships Manager explained that funding was available through the partnership structures and there were clear priorities for Cheltenham in terms of how to use funding to deliver projects. Members viewed the streamlining of partnerships across the county as positive and the new structure had the potential to deliver success. They also commented that any move towards a consolidation of meetings that councillors had to attend would be welcomed. This feedback would be passed on to the partnerships.

11. HEALTH, COMMUNITY AND CARE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Penny Hall gave a brief overview of the work of the Health, Community and Care Overview and Scrutiny Committee of which she is a Member. Her report is attached to these minutes for information. She encouraged members to send her comments or raise any issues of concern.

When asked about the condition of the eye hospital Councillor Hall said she had had the opportunity to raise this issue within the reference group and with Gloucestershire Health. In response to a question on GP commissioning she reported that a report was expected at the November meeting.

12. REVIEW OF HEALTHY LIFESTYLES WORK AND FUTURE PLANS

The Healthy Communities Partnership Manager explained that the changes to public health within the NHS and the Health and Social care bill would mean the public health function would be transferred to top tier local authorities, i.e. GCC. The funding position was currently unclear. The Council's Healthy Lifestyles Development Officer post which was part funded by the NHS, had over the last four years successfully developed and supported a wide range of targeted community initiatives which promoted healthy lifestyles. However, as a result of the changes, the post could no longer be guaranteed beyond 2012. As part of the Leisure and Culture Review a number of options were being explored as the Council was keen for this work to continue.

When asked when the NHS funding position would become clear the Healthy Communities Partnership Manager explained that the indications were for

councils to make plans without funding. In any case public health responsibilities would be transferred to local authorities. In order to encompass the work a different way of working may be necessary in order to continue supporting the healthy lifestyles outcomes.

The Committee supported the continuation of the role of Healthy Lifestyles Development Officer and encouraged the Cabinet member to support this too.

13. CAR PARK STRATEGY - EQUALITY IMPACT ASSESSMENT

The Head of Integrated Transport and Sustainability presented his report on the proposed Cheltenham Parking Strategy. Section 4 of the report explained that a working group was envisaged to consider the needs of the community where mobility and disability was of concern. Representations were currently being sought to serve on this working group which could provide advice and guidance in formulating a quality equality impact assessment of proposals to be put forward in developing the Cheltenham Parking Strategy. He suggested that the committee consider the inclusion of a representative on the Cheltenham Parking Strategy Member working group, or receive updates from the aforementioned mobility and disability working group.

Members highlighted that the key thing was the location of disabled bays in terms of accessibility to services. The Head of Integrated Transport and Sustainability confirmed that the issue of accessibility was being taken seriously. This was being considered in the broader context of street space management, parking, walking, buses, taxis etc.

When asked how the proposals fitted into the civic pride proposals it was imperative to broadly take on board representations from the community as to what the needs were. It was important for the town to continue its ease of access and offering for all sections of the community in order to maintain its high level of visitation.

In terms of the council's involvement in consultations to date the Head of Integrated Transport and Sustainability confirmed that CBC was represented on a number of engagement consultations led by the County Council. National guidance set out how authorities should design their parking policies with particular regard to consulting with communities. He confirmed that a broad representation of communities and businesses were involved in the working groups and that the County Council had improved its consultation processes.

Following particularly detailed questions from some members on the proposed parking strategy in general the Chair pointed out that the remit of the Social and Community Overview and Scrutiny Committee was on equality. Members were asked to pose unrelated questions to the Environment Overview and Scrutiny Committee whose remit it was to discuss parking issues in general.

The Head of Integrated Transport and Sustainability informed Members that CBC was awaiting the proposal document that week on the Cheltenham Parking Strategy.

14. COMMITTEE WORK PLAN

The Chair referred to the scrutiny topic registration request from Councillor Driver as circulated with this agenda item. She advised members that as this was a council tax issue and in the light of the officer implications laid down in the document, Social and Community Committee did not represent the right forum for members to make a decision or comment on the matter.

Jayne Gilpin, Revenues Manager, explained that the Council did have the power to vary the level of charge on two classifications of property-long term empty properties where the council had agreed to a policy to increase the charges on long term empty properties from 50 % to 100 % and second homes where the Council had agreed to increase the charges from 50 % to the maximum 90 %. The Council had no powers to set rules to determine whether a property was considered furnished or unfurnished and which classification for charging it falls into. This was determined by council tax legislation.

Members supported the Chair in questioning the relevance of the issue to the committee and did not regard it as scrutiny.

Clarification was sought by Members on exemptions. The Revenues Manager explained that if a furnished property was empty for a period of six months between lets it would be regarded as a second home but for unfurnished properties empty for six months an exemption would apply.

Members agreed that a reply would be sent to Councillor Driver in writing with the officer's response.

Members considered the work plan and the proposed items for the November meeting. The Chair, Vice Chair and Lead Officer agreed to look again at these items in their work planning meeting as the agenda looked particularly onerous.

15. ANY OTHER BUSINESS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

There were no urgent items for discussion.

16. DATE OF NEXT MEETING

The next meeting was scheduled for the 7 November 2011.

Anne Regan
Chairman

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VERBAL REPORT ON HCCOSC by Cllr Penny Hall

The Gloucestershire Health, Community Care Overview and Scrutiny [HCCOSC] is responsible for overview and scrutiny of health related issues in the county

HCCOSC focuses on health issues from a public perspective and works in partnership with other agencies to improve local health services

HCCOSC also scrutinises Gloucestershire county council services relating to adult social care, libraries and information, equalities, customer services and lifelong learning

HCCOSC members are 8GCC councillors and 6 District councillors, uniquely its meetings are rotated around the county and district offices so that local members, residents and interested organisations are able to attend and very often do so

Since I last reported to you in November 2010 there has been a great deal of change in the way health and social care has been delivered with yet more to come in the rest of 2011-12

Health and social care reform and scrutiny

When I last spoke to you it was uncertain that HCCOSC would continue but thanks our response to the consultation on the Health white paper “Equality and Excellence” and lobbying with health scrutiny cttes across the SW we were successful in protecting Health scrutiny in its current form

Gloucestershire hospitals NHS foundation trust “GHNHSFT”

Following the proposals in early 2010 to reduce up to 200 beds across the trust which were withdrawn by the trust a task group was formed by HCCOSC with the trust to examine the impact of a proposal to reconfigure beds at Gloucestershire Royal Hospital.

The reconfiguration and a reduction of 43 beds together with a skill mix of staff was approved in the units concerned

During this time I represented HCCOSC on working group with staff from the GHNHSFT, the PCT, and the Chair of the Local Involvement Network [LINK] in developing “Our engagement strategy” the GHNHSFT Board of Governors formally approved the

strategy in recognition that engagement with staff and stakeholders needed to change.

During the recent consultation on “your NHS, right care right time right place the engagement strategy was followed

The proposals came 1st to HCCOSC to approve the consultation period and process

During the consultation period I was delighted that a discussion on the changes was held at Cheltenham Borough Council lead by the clinicians concerned

It was gratifying that I was able to go to the July meeting confident that I had the views expressed by Cheltenham members and officers

At that meeting on July 11th we voted to support

1“the changes to Emergency Paediatric Assessment “

2Centralisation of 1st Outpatients appointment for symptomatic breast care patients at Thirlestone Court in Cheltenham

At the same meeting Ingrid Barker Chair designate of the future social enterprise Gloucestershire Care Services gave a report to the HCCOSC

As their “go live” date is 1st October” we will receive its 1st OF regular update from them at our November meeting

Dr Shona Arora Director of Public Health introduced the draft Improving the Health and Wellbeing of Vulnerable people

Her annual report of 2010-2011

This is published this month

Another important work undertaken by a task group over the last year is;

Provision of services for people with a dual diagnosis in

Gloucestershire with a particular focus on housing

Dual diagnosis describes a mental health disorder combined with drug or alcohol misuse.

An individual disorder can affect not only their physical health and wellbeing, but their housing, employment and whole way of life

Conclusion of the Enquiries into the Wingmore Farm waste disposal site at Bishops Cleeve

For 5 years a task group from HCCOSC has been investigating the health effects of toxic ash from the Grundon site following ongoing concerns raised by local residents

The Health Protection Agency report on the analysis of samples collected over a 10 week period was that the dust did not contain harmful levels of any substance which could be damaging to the health of local residents

Factors to consider in Work planning

We recently held a successful performance workshop focusing on Adult Social care,

This is a high risk area and it is important that HCCOSC effectively monitors performance so that any concerns/issues can be highlighted more detailed investigation can be undertaken if necessary.

There has been a lot of change in the performance framework for Adult social care and the workshop was a good opportunity to get a better understanding of what these changes are,

It was also an opportunity for members to discuss directly with the officers what they require in the performance reports

The change in performance framework is about a move away from top down regulation from government to a more bottom up accountability to local citizens

There is also the impact of the Health and Social care bill on the structure of the NHS, the integration of health and social care staff and the role of the social enterprise trust Gloucestershire Care Services

And LINK will be evolving into Healthwatch

With all this activity it is important that the HCCOSC ensures that it is focusing its Work Plan appropriately to ensure that it is doing its job to ensure that the people of Gloucestershire are properly supported in terms of their health and social care needs

It was agreed at the Performance workshop that members need to get together again to draw up a fresh Work Plan to reflect the current Health and Adult social care agenda,

Members know that we cannot look at everything so planning is essential to ensure that the focus is where it should be

Some members including myself meet regularly with the PCT's reference group which is helpful in informing us of issues and forthcoming service change proposals and can also help to shape our planning

Our new Chairman is in the process of meeting with Chairs and CEO's of the PCT's and Health Trust's

I hope you find this helpful

I will continue to email you via Democratic services the papers for each HCCOSC meeting as soon as I receive them in time for you to contact me with issues and always hope that you will do so

**Cllr Penny Hall
HCCOSC representative for CBC**

Briefing Notes

Committee name: Social and Community Overview and Scrutiny

Date: 5 September 2011

Responsible officer: Louis Krog, Senior Licensing Officer

This note contains information to keep Members informed of matters relating to the work of the Cabinet but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Police Reform and Social Responsibility Bill

This briefing note briefly outlines the Government’s proposals to amend current alcohol and late night refreshment licensing laws.

The Coalition Government committed, as part of its coalition agreement, to overhaul licensing laws regulating the sale/supply of alcohol and the provision of late night refreshment (i.e. hot food and beverage supplied between 23:00 and 05:00). The Government believed that these laws needed to be rebalanced more in favour of local communities to empower individuals, families and local communities to shape and determine local licensing.

The result of this review is the Police Reform and Social Responsibility Bill. The bill has completed its journey through both houses and is currently in its final stage before receiving Royal Assent and becoming law.

Amendments to the Licensing Act 2003 (“2003 Act”)

For the benefit of Members, I will outline the amendments in two columns, one showing the current law and the second showing the amendments. A comparison will better illustrate the effect of the amendments.

Police Reform and Social Responsibility Bill – Amendments	Licensing Act 2003 – Current
Licensing authorities as responsible authorities	
Cheltenham Borough Council in the capacity of licensing authority will become a statutory responsible authority under the 2003 Act. This will empower them to refuse, remove or review licences themselves without first having had to have received a representation from one of the other responsible authorities listed above.	The Council as licensing authority is largely limited to administering the function and does not have significant powers to intervene to promote the licensing objectives. Consequently the Council is largely dependant on other responsible authorities (such as the police, environmental health etc.) or local residents to intervene (i.e. review of a licence) in problem premises or make objections to applications.
Primary Care Trusts and Local Health Boards as responsible authorities	
Gloucestershire Primary Care Trust will also become a statutory responsible authority under	n/a

<p>the 2003 Act to address concerns regarding concerns about the impact of new licensed premises on the local NHS (primarily A&E departments and ambulance services) or more generally the safety of the public within the night-time economy.</p>	
<p>Interested Parties (representation & review)</p> <p>The bill will remove the requirement for interested parties to live or run a business in the vicinity of a premises.</p> <p>The effect being that any person (including those outside the borough) could apply for a review of a premises licence or make representation on an application.</p>	<p>At the moment, only persons who live or are involved in business in the vicinity of a premises can make relevant representations on an application or make an application to review a premises licence.</p>
<p>Reducing the burden</p> <p>The wording will be amended throughout the Licensing Act 2003 to lower the evidential threshold which licensing authorities must meet when making licensing decisions by requiring that they make decisions which are 'appropriate' rather than 'necessary' for the promotion of the licensing objectives.</p>	<p>When making decisions on new and existing licences, and fulfilling their licensing responsibilities, licensing authorities are currently required under the Licensing Act 2003 to demonstrate that these decisions are 'necessary' for the promotion of the licensing objectives in their local area.</p>
<p>Temporary event notices</p> <p>1. Who may make an objection</p>	
<p>The bill will allow the environmental health department to also object to a temporary events notice to promote the public nuisance objective.</p>	<p>Currently, only the Police can object to temporary events notices and only on the grounds of crime and disorder.</p>
<p>2. Conditions</p> <p>Where objection(s) has been received in respect of temporary events notices, the Council will be able to add conditions to such a notice so long as those conditions are currently imposed on the premises licence and not inconsistent with the licensable activities sought by the notice.</p>	<p>Currently, no powers exist for the Council to add any condition(s) to a temporary events notice.</p>
<p>3. Late Notices (Standard and late temporary event notices)</p> <p>The bill will introduce two types of temporary events notices; a standard and late notice.</p> <p>Standard temporary events notices – are those submitted within 10 working days before the proposed event.</p> <p>Late temporary events notices – are those submitted between 9 and 5 working days before the proposed event.</p> <p>The difference between these will be that where an objection is made in respect of a late temporary events notice, there will be no</p>	<p>The law stipulates that a temporary events notice must be served on the Council no later than 10 working days before the proposed event.</p>

option of having a hearing before a Licensing Sub-committee and a counter notice must be served immediately.	
4. Relaxation of time limits applying to temporary event notices	
The bill will relax the statutory limits on the duration of a single temporary event from 96 hours to 168 hours , and on the total annual availability covered by a Temporary Event Notice in relation to a single premises from 15 days to 21 days .	A temporary events notice cannot currently be used for licensable activities where those will last for longer than 96 hours (4 days) and a premises is currently only permitted 15 days worth of temporary events notices per calendar year.
Persistently selling alcohol to children	
The penalty for persistently selling alcohol to children will be; - maximum fine of up to £20,000 - premises closure order lasting at least 48 hours but no longer than 336 hours (14 days)	The current penalty for persistently selling alcohol to children is; - maximum fine of up to £10,000 - premises closure order lasting no more than 48 hours
Early morning alcohol restriction orders	
The bill will permit the Council (full Council) to pass an order restricting the sale of alcohol past certain hours (between 00:00 and 06:00) specified in the order where the Council considers it appropriate for the promotion of the licensing objectives. The order will apply to all premises and temporary events notices and can be applicable to; - in relation to the same period of every day on which the order is to apply, or in relation to different periods of different days, - every day or only on particular days (for example, particular days of the week or year), - in relation to the whole or part of a licensing authority's area, or - for a limited or unlimited period. A process laid down in law must be followed to adopt an early morning alcohol restriction order.	n/a
Suspension of licence or certificate for failing to pay annual fee	
The Bill will require the Council to suspend a licence until the annual fee has been paid	The Council's current recourse for non-payment of an annual licence fee is recovery action as a

subject to a number of exclusions.	debt against the Council.
Power for licensing authorities to set fees	
<p>The bill will permit the Council to set its own fees within prescribed maximum and minimum limits.</p> <p>The government expect to be in a position to lay the regulations bringing in locally-set fees in October 2012.</p>	Regulations made under the 2003 Act stipulate set fees local authorities are permitted to charge.
Licensing policy statements	
The Council's policy statement will be valid for 5 years.	Currently needs to be reviewed every 3 years.
Personal licences: relevant offences	
<p>Addition of a number of relevant offences;</p> <ul style="list-style-type: none"> - section 6(6) the Road Traffic Act 1988 (failing to co-operate with a preliminary test). - section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence. - section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence. - the offence at common law of conspiracy to defraud. 	n/a
Late night levy	
<p>The Bill will introduce a late night levy which is a levy on late night operators (i.e. between 00:00 and 06:00). The levy will contribute towards the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol.</p> <p>The Council will have to go through the process of adopting the levy and the government will make regulations</p> <p>The government will specify in secondary legislation the categories of business to whom licensing authorities may be able to grant an exemption and or reduction.</p>	n/a
Alcohol disorder zones (ADZ): repeal	
ADZ's implement Chapter 2 of Part 1 of the Violent Crime Reduction Act 2006. They allow local authorities to designate localities as alcohol disorder zones where there has been a nuisance or annoyance to members of the public, or disorder, and where the nuisance,	n/a

<p>annoyance or disorder is associated with the consumption of alcohol supplied at premises in that locality and where there is likely be a repetition of that nuisance, annoyance or disorder.</p>	
<p>Statutory Guidance</p>	
<p>The government will introduce changes to the statutory guidance that will not form part of the bill.</p>	
<p>Cumulative Impact Policies</p>	
<p>The statutory guidance governing Cumulative Impact Policies will be more focused on local needs and easier for licensing authorities to implement. This will reduce the evidential requirement on licensing authorities. This will give greater weight to the view of local people as the licensing authority will not be constrained by the requirement to provide detailed additional evidence where such evidence is unavailable.</p>	<p>At present, Cumulative Impact Policies can only be applied by a licensing authority to an application for a licence when it has received relevant representations from a responsible authority, or interested party, on the potential cumulative impact of the grant of the application in question.</p> <p>The licensing authority will set out the detail of its Cumulative Impact Policy in its Licensing Policy Statement. Before implementing a Cumulative Impact Policy, a licensing authority will usually conduct a consultation exercise and consider the effect that additional premises will have on the cumulative impact.</p>
<p>Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police</p>	
<p>The government will strengthen the weight that licensing authorities must give to police representations (including those voiced by the police at a hearing) and objection notices by amending the statutory guidance to require licensing authorities to accept all representations and notices and adopt all recommendations from the police, unless there is clear evidence that these are not relevant.</p>	<p>When determining an application for a premises licence, an application for a licence review or the granting of a personal licence, the Council must have regard to relevant representations or objection notices (in the case of personal licence applications) from the chief officer of police although there is scope to reject representations from the police.</p>
<p>Give more autonomy to licensing authorities regarding closing times</p>	
<p>The government will amend the statutory guidance to make it clear to local authorities that they can make decisions about the most appropriate licensing strategy for their area.</p> <p>Licensing authorities will be encouraged to consider using measures including fixed closing times, staggered closing times and zoning.</p>	<p>The introduced of 24 hour alcohol licences allowed premises to adopt flexible opening hours. The objective was that consideration would be given to the impact of opening hours on local residents and businesses.</p> <p>However, the introduction of 24 hour alcohol licences discouraged the use of provisions contained in the Licensing Act 2003 such as staggered closing times, zoning and fixed closing times.</p>
<p>Licence applicants to give greater consideration to the local area when making their application</p>	
<p>The guidance for applicants and statutory</p>	<p>Currently, as part of the licence application</p>

<p>guidance for licensing authorities will be amended to require licence applicants, when outlining the steps they will take to promote the licensing objectives, to provide further contextual information to support the steps they intend to take and demonstrate an awareness of the local community in which the premises would be based.</p>	<p>process, applicants are required to set out in the operating schedule accompanying their application the steps they intend to take to promote the licensing objectives.</p>
<p>Review of effect of amendments on licensing scheme</p>	
<p>The secretary of state will be under duty to review the effect of the Bill's proposed amendments within 5 years of the commencement of the Act.</p>	<p>n/a</p>

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Item	Purpose	Outcome	What is required?	Lead Officer
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Meeting Date: 09 January 2012 Deadline: 28 December 2011 Chairs Briefing: 25/11 at 13.30				
Commissioning update	If necessary	Update from Cabinet Member	Verbal update	Cllr C Hay, Cabinet Member Corporate Services
Anti Social behaviour update	Scrutiny	Tbc	Discussion paper	Trevor Gladding, Community Protection Manager
CBH Tenancy/Leaseholder Group	Scrutiny	Tbc	Discussion Paper	Paul Stephenson, Assistant Chief Executive-CBH
Proscenium Building/Gardens Gallery	Scrutiny	Tri-annual review	Presentation	Bob Freeman-Chairman-Gardens Gallery
Final budget proposals 2012-13	Scrutiny	Review budget proposals for financial year, taking into account responses to consultation on interim budget proposals	Tbc	Mark Sheldon, Director or Resources
HRA proposals 2012-2013	Scrutiny	Review HRA proposals for financial year	Tbc	CBH
Art Gallery and Museum	Update	Quarterly review of development scheme and service provision during closure	Discussion paper	Jane Lillystone, Museum, Arts and Tourism Manager
Everyman Theatre	Update	Post re-opening	Presentation	Geoffrey Rowe, Chief Executive – Everyman Theatre
Sports Development (inc. Olympics)	Update	tbc	Discussion paper	Craig Mortiboys, Healthy Communities Partnership Manager
Tourism and Marketing Strategy	Scrutiny	Review progress against action plan	Discussion paper	Sonia Phillips / Jane Lillystone
Olympics 2012	Scrutiny	Further detail of the proposed street level	Discussion paper (exempt)	Craig Mortiboys, Healthy Communities Partnership Manager

Social and Community O&S Committee 2011-2012 work plan

Item	Purpose	Outcome	What is required?	Lead Officer
		route (exempt)		
Meeting Date: 27 February 2012				
Chairs Briefing: 6/01/12 at 13:30				
Commissioning update	If necessary	Update from Cabinet Member	Verbal update	Cllr C Hay, Cabinet Member Corporate Services
DRAFT Corporate Strategy 2012-13	Scrutiny	Review the DRAFT strategy for the financial year ahead prior to Council (23 March)	Discussion paper	Richard Gibson, Policy and Partnerships Manager
Meeting Date: 21 May 2012				
Chairs Briefing: 13/04/12 at 13:30				
Commissioning update	If necessary	Update from Cabinet Member	Verbal update	Cllr C Hay, Cabinet Member Corporate Services
Art Gallery and Museum	Update	Quarterly review of development scheme and service provision during closure	Discussion paper	Jane Lillystone, Museum, Arts & Tourism Manager
Leisure@	Scrutiny	Annual performance review	Discussion paper	Stephen Petherick, Commercial Manager – Leisure@
Meeting Date: 09 July 2012				
Chairs Briefing: 25/05/12 at 13:30				
Commissioning update	If necessary	Update from Cabinet Member	Verbal update	Cllr C Hay, Cabinet Member Corporate Services
Town Hall and Pittville Pump Rooms	Scrutiny	Annual performance review	Discussion paper	Gary Nejrup, Entertainment and Business Manager

Social and Community O&S Committee 2011-2012 work plan

Item	Purpose	Outcome	What is required?	Lead Officer
Care Homes Christmas arrangements?	Scrutiny C Coleman request	Establish a working group Cllr Coleman requested that this be considered by the committee on an annual basis?	Report tbc	Grahame Lewis, Executive Director tbc

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Briefing Notes

Committee name: Social & Community

Date: 7th November 2011

Responsible officer: Martin Stacy, Housing
& Communities Manager

1. Welfare Reform Update

The key development currently affecting local residents is the change in how the Local Housing Allowance (LHA) is calculated, from 50th percentile of market rents to 30th percentile. This has led to a reduction in LHA entitlement of £45/month for a 1 bedroom property, £50/month for a 2 bed, £70/month for a 3 bed and £195/month for a 4 bed.

These changes became effective from April 2011 for new tenants. Existing tenants will continue to receive their current rate until their claim is reviewed on their anniversary date. They will then have a further nine months protection. Whilst it is estimated that approximately 1000 households will be affected by these changes, those affected will be spread throughout the year, rather than all at the same time.

In addition, from January 2012, new single LHA claimants who are under 35 years will only be entitled to the single room rent of £275/month. Approximately 250 existing tenants will also be affected. It is estimated they will be roughly £40/week worse off. Existing claimants will again have a period of protection in which to find more affordable accommodation.

- **Current Impact**

The LHA changes mean that private rented accommodation is generally less affordable than it was for low-income households. This is likely to result in more households presenting as homeless, with fewer being willing or able to access the private rented sector.

Some landlords may also perceive low-income households to be a greater financial risk and be less inclined to rent to them.

The Housing Options Service is finding that it is becoming more difficult to house homeless households (particularly larger families with a 3 bed need or more) in the private rented sector. The following statistics highlight the extent of the impact on the service to date:

April to Sep 2010: Homelessness Preventions = 135; Homelessness Acceptances = 6
April to Sep 2011: homelessness preventions = 117; Homelessness Acceptances = 22

Whilst these are not significant changes in numbers, compared with the homelessness situation several years ago (when homelessness acceptances were in excess of 300 a year), the reduction in homelessness preventions and increase in homelessness acceptances are linked directly to the LHA changes. It is likely that pressures will increase further, after January 2012, once existing tenants start to become affected.

- **Responses to the Welfare Reform**

The Housing Options Service is focusing on:

- i. Identifying those existing tenants who are likely to be most affected by the LHA changes. This is being done via the Housing Benefits Service.

All LHA claimants affected by these changes have already been written to by the Housing Benefits Service, asking them to contact the Housing Options Team if they need assistance. This is now being followed up with further correspondence, with a user-friendly flyer attached.

We are also able to identify the most vulnerable (i.e. those currently having their payments made directly to the landlord) and will look to contact these households by phone to discuss these changes further, and the impact they are likely to have on them.

In addition, we are arranging to carry out home visits on those households most affected by the changes, i.e. those occupying 4 bedroom properties (12 households identified) and 5 bedroom properties (4 households identified).

- ii. For those households who are affected by the changes, we will place emphasis on maximizing their household incomes and supporting them to remain in their current home. We will do this by carrying out a Financial Inclusion and Capability Assessment, looking at:
 - All the benefits to which they are entitled, to maximize their incomes
 - Helping them to reduce their outgoings, such as by getting the best deals for their gas & electricity, and opening basic bank accounts so that they can take advantage of discounts, if paying by direct debit
 - Whether they have any existing debts, and whether they are receiving assistance from relevant debt advice agencies, if needed.
 - If they have more general support needs, ensuring they are referred into relevant agencies, such as County Community Projects' Floating Support Services
 - Negotiating with the landlord to reduce the monthly rent, in return for direct payments of LHA to the landlord.
- iii. For households who will have to move to cheaper accommodation, we will help them to do so via either our Deposit Bond Scheme, coupled with a 2 month Rent Guarantee, or through our traditional Deposit Loan Scheme. Both these Schemes are financed from the Council's Homelessness Prevention Fund, which comes directly from the Department of Communities and Local Government.

We have also agreed with the Housing Benefits Service that they will apply their Discretionary Hardship Fund for anyone who has been unable to move into more affordable accommodation before their LHA on their existing property is reduced. The aim being to prevent these households from falling into rent arrears. Given that we are taking a proactive approach to supporting those households who are likely to be affected, we expect to avoid having to use this additional Fund except in exceptional circumstances.

For those families who no longer consider the private rented sector to be an option, they will continue to be able to apply directly for social housing directly through Gloucestershire Homeseeker's Choice Based Lettings Scheme. Where households are unable to afford to remain in the private rented sector, they will ultimately be able to rely on the statutory homelessness provisions as their safety net.

- iv. For existing claimants who are under 35 years, we have extended the Deposit Bond Scheme to include this group so that they are better able to move to more affordable accommodation. This is likely to be house/flat shares, in the main. All properties will be inspected by the Private Sector Housing Team, to ensure they meet the required Health and Safety standards, etc.
- v. We are also seeking to develop services with private landlords, including supporting the development of a Private Leasing Scheme within Cheltenham, run by an outside organisation. We are also considering how we can begin to allow private landlords to advertise their vacant properties on Gloucestershire Homeseeker's Choice Based Lettings Scheme. In addition, the services provided to tenants, referred to in paragraphs (ii) to (iv) above can also be used as a means to encourage private landlords to work more closely with us in the future.

Furthermore, the Single Advice Contract with the Citizens' Advice Bureau which expires on 31st March 2012, is now out to tender with a new specification, and will be known as the Advice and Inclusion Contract. We are taking this opportunity to review key aspects of the future contract, the aim being to ensure that the successful provider is geared up to assisting those most affected by the welfare reforms.

The key areas which the contract will focus on are:

- To prevent homelessness
- To reduce debt and prevent future debt arising
- To ensure the rights of people are protected in respect of rights to benefits etc

We expect to have agreed a Provider for the new contract by the end of December 2011, with a view to starting on 1st April 2012.

2. Tenancy Strategy Update

The Localism Bill, once it becomes statute, will require Local Authorities to set out a strategy for the use of 'flexible' or fixed-term tenancies on social housing. Registered Providers are obliged to have regard to this strategy when setting out their own Tenancy Policies.

One of the key recommendations coming out of the Housing Review Group is for the development of a new Housing & Homelessness Strategy, to be effective from April 2012. It has been agreed that the Tenancy Strategy will be incorporated into this wider strategy, because of its links to these wider issues. Whilst flexible tenancies would not affect existing tenants of social housing, they could be applied to new tenants in the future.

The Housing Review Group noted that one potential area of benefit to having flexible tenancies, as opposed to lifetime tenancies, is where households are significantly under-occupying their properties, given the acute needs for larger accommodation, particularly amongst households experiencing overcrowding. This pressure is likely to increase as a result of the LHA changes. Any such use of flexible tenancies would need to ensure that more vulnerable households, including young people and older people, are protected. If flexible tenancies were to be applied, it was noted that long-term fixed tenancies should be considered.

We are currently in the process of considering the practicalities around applying flexible tenancies, and we will put any draft strategy to wider consultation prior to its adoption with the forthcoming Housing and Homelessness Strategy in April 2012.

3. Affordable Rents

Affordable Rents can be set at up to 80% of the market rent of the local area. They will, in most cases, have to be charged on new build properties (in order for Registered Providers (RPs) to qualify for potential funding from the Homes & Communities Agency (HCA) to help finance the development). RPs will be able to set the 'percentage conversion' i.e. the rate at which they choose to convert their existing social rents to Affordable Rents, once they become vacant. Any revenue from Affordable Rents must be used to provide additional new build, but not necessarily in the same local authority area where the Affordable Rents are charged.

The Housing Review Group has noted that there is little opportunity to influence Registered Providers in their use of Affordable Rents. We have, however, had some success locally in influencing the rents set for new build, through our Housing Enabling Officer, particularly on some currently proposed 4 bedroom properties. If these properties had been set at an 'Affordable Rent', they could have become unaffordable for those on means-tested benefits, particularly in light of the proposed 'Benefit Cap', which would limit the total amount of benefit a household could claim.

Registered Providers are currently calculating their conversion rates of existing Social Rents to Affordable Rents, in consultation with the HCA. These conversion rates will, to a large extent, be determined by Registered Providers' future housing development ambitions.

There is no power for Cheltenham Borough Council to convert its existing stock to affordable rents, however, it would be possible to set Affordable Rents on new build. Any funding from the HCA to support new build by Cheltenham Borough Homes would be reliant on setting rents at the Affordable Rent level. The future direction of the Council in respect of this matter is still to be decided.

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Briefing Note

Social and Community Overview and
Scrutiny

7 November 2011

Councillor Andrew McKinlay, Cabinet
Member for Sport and Culture

This note contains information to keep Members informed of matters relating to the work of the Cabinet but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Leisure and Culture Commissioning Review – Update

1.0 Purpose of this Briefing Note

- 1.1 To brief the committee on the work undertaken by the Leisure and Culture Commissioning Review since the last update in July 2011.

2.0 Background

- 2.1 On 11 July 2011 Cabinet endorsed the recommendations contained within the report ***“Towards a Commissioning Strategy for Leisure and Culture Outcomes”***.
- 2.2 Members may recall that the report made a number of service specific recommendations. Much of the focus for work since the last update has, however, has been concerned with progressing the 2 principle recommendations:
 - 2.2.1 ***Engagement with local partners and stakeholders, including the voluntary and community sector, LSP and Health and Well-Being partnership to (a) bring them up to date with the review; (b) outline the priorities for further work and (c) consult on the currently proposed outcomes for leisure and culture; and***
 - 2.2.2 ***Approve the commencement of an option appraisal of the alternative delivery arrangements for the Art Gallery and Museum (AG&M), as compared to the status quo.***
- 2.3 Members may also recall that the report identified savings totalling £214K (2012-14) in relation to Leisure@ and the Town Hall. The Cabinet endorsed the recommendations relating to savings and these have now been factored in to the Medium Term Financial Strategy.

3.0 Cabinet Member Working Group

- 3.1 The Leisure and Culture Cabinet Member Working Group has met formally 4 times since its creation in June this year and has provided valuable input, support and guidance to the project team.
- 3.2 Whilst a number of Members of the working group are very familiar with the services in scope of the review the working group felt it was important to visit the venues and facilities and to meet the service managers and staff. Site visits took place during July and early August.

- 3.3 The visits allowed the working group to better understand the services in the context of the needs of Cheltenham and the outcomes for the community. Members raised and have received responses to a number of questions arising during the visits (see background papers for further detail).
- 3.4 One of the main requests arising from the site visits was that consideration be given to the opportunity now to commission catering across the entire leisure and culture service portfolio. A review undertaken by the service provider, and considered by the working group, has endorsed the current approaches in relation to the Town Hall, Pittville Pump Room and the AG&M and that these should continue as planned. An opportunity has been identified, however, to commission Leisure@ and outside facility catering as a combined offer and this is something that commissioners will consider again when current contracts expire.
- 3.5 The working group agreed its terms of reference at its first meeting. This has now been further supplemented by the group considering and agreeing its role and involvement in the progression of the specific Cabinet report recommendations. The role that the working group will play involves:
- Involvement with stakeholder engagement and consultation
 - Scrutinising options appraisal and providing views prior to Cabinet reporting
 - Attendance at site visits to venues and facilities to be undertaken as part of the investigation phase for Town Hall, Pittville Pump Room and Leisure@
 - Act as a critical challenge and reviewer of recommendations made by either providers or commissioners
 - Through visits to venues and facilities build understanding of alternative delivery options to underpin future deliberations regarding service provision

4.0 Engagement with Local Partners and Stakeholders

- 4.1 To satisfy the requirements of the principle recommendations (2.2.1 and 2.2.2) 3 consultation workshops took place during September 2011. The workshops were independently facilitated by the South West Regional Director for the Museums Libraries and Archives (MLA).
- 4.2 The workshops were segmented by service theme, ie, Leisure including Sport, Play and Healthy Lifestyles; Art Gallery and Museum; town Hall and Pittville Pump room. Twenty two delegates attended the workshops and therefore provided a reasonable, although clearly not exhaustive, representation of local stakeholders and partner views.

Workshop Objectives

- 4.3 As set out in the cabinet recommendation the objectives of the workshops were to; (a) update delegates on the work to date, the Cabinet recommendations and specifically highlighting the AG&M as a priority for further work; (b) get feedback on the identified community needs and to highlight any gaps; (c) get feedback on the draft leisure and culture commissioning outcomes as endorsed by Cabinet.

Feedback to Members

- 4.4 The workshops were constructed so that they were independently facilitated to allow for free flow of ideas and views.
- 4.5 A Members Seminar was held in early October to hear and consider the feedback. A summary presentation is available (see background information for further detail).

General Commentary on the Workshops

- 4.6 The “mood” of the consultation was generally positive and delegates welcomed the opportunity to take part. There was overwhelming support for further consultation.
- 4.7 Delegates welcomed the independent facilitation which enabled greater free expression of ideas and views.
- 4.8 The segmentation of the consultation into service specific workshop was seen by a number of delegates as inhibiting wider creative and cross-cutting thinking. The request was made for any further workshop to address this.
- 4.9 There was mixed understanding amongst the delegates about “needs” and “outcomes”; Leisure workshop delegates having the greatest understanding; this perhaps reflects their own exposure to commissioning within their own agencies. Delegates were generally far happier to consider “what” actually might be different than they were to explore the more strategic “why” questions.

Key Messages from the Consultation

- 4.10 The key messages from the consultation may be summarised, in no particular order, as follows:
- 4.11 Welcoming a collective opportunity to consider the future vision for the Council's leisure and culture offer.
- 4.12 Recognition that future funding and future proofing the services is important to bring about sustainable service delivery and that this will require a continuation of a commercial and entrepreneurial mindset.
- 4.13 Recognition that considering the services in the context of public subsidy is being short-sighted and that the wider contribution to the community and outcomes is important to recognise.
- 4.14 Consideration of alternative ways of delivering the outcomes was acknowledged and recognised as something that should be considered.
- 4.15 A feeling that the voluntary sector had a greater contribution to make towards delivering outcomes but at the same time recognising the challenges facing that sector as a result of the current economic climate.
- 4.16 Outreach work was valued and in particular the desire was expressed to continue to reach out to those audiences and participants who might not traditionally for whatever reason take part.
- 4.17 Accessibility and ability to participate was a general theme, for example, inability to participate through economic circumstance, through social exclusion, through poor access to transport.

Next Steps

- 4.18 In response to the overwhelming request from this stakeholder group for further consultation a second workshop has been arranged. This will aim to address the 2 main requests arising from the first workshop, namely; (a) Developing the vision and concept of the “cultural quarter”, articulated in the AG&M Heritage Lottery Fund application, and in

particular, although not exclusively, to set the context/backdrop for the AG&M option appraisal work; (b) consider the outcomes across the whole leisure and culture portfolio to identify linkages, synergies and opportunities for joint working.

- 4.19 The workshop will take place on 21 November 2011 and the revised outcomes will be considered by Cabinet at its meeting on 13 December 2011.

5.0 Other Work

- 5.1 As already outlined in addition to the principle recommendations the Cabinet report contained recommendations across all the service areas so that progress could be made on all fronts. Therefore, further work is envisaged as follows:

- Option appraisal work on the AG&M will commence
- Service providers will report on their exploration as to how Leisure@ and Sport Play and Healthy Lifestyles might provide more mutual support
- Budget proposals arising from the review will be considered as part of the 2012-13 budget process
- Identification of other facilities and venues for visits and research particularly those operating alternative delivery arrangements will be arranged

Background Papers:

1. Summary of Matters/Issues Raised and Responses – Cabinet Member Working Group Visits – July 2011
2. Leisure and Culture Commissioning Review Phase 1 Consultation Feedback Presentation

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