



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Cabinet

Tuesday, 17 April 2012  
6.00 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

Membership	
<b>Councillors:</b>	Steve Jordan, John Rawson, Klara Sudbury, Andrew McKinlay, John Webster, Roger Whyborn and Colin Hay

### Agenda

	<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> To approve the minutes of the meeting held on 13 March 2012	(Pages 1 - 6)
<b>4.</b>	<b>PUBLIC QUESTIONS AND PETITIONS</b>	
	<b>SECTION 2 :THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEES</b> <i>There are no matters referred to the Cabinet by Scrutiny Committees on this occasion</i>	
	<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
	<b>SECTION 6 : BRIEFING SESSION</b> <ul style="list-style-type: none"><li>• Leader and Cabinet Members</li></ul>	

5.		<b>PROMOTING CHELTENHAM FUND 2012</b> Report of the Leader	(Pages 7 - 24)
6.		<b>APPROVAL OF THE DRAFT POLICY FOR CONSULTATION ON MEASURES TO CONTROL STREETSCENE ACTIVITIES IN CHELTENHAM – STREET TRADING, ETC</b> Report of the Cabinet Member Housing and Safety	(Pages 25 - 94)
7.		<b>QUARTERLY BUDGET MONITORING REPORT</b> Report of the Cabinet Member Finance	(Pages 95 - 108)
8.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS AND OFFICERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	

**Contact Officer:** Rosalind Reeves, Democratic Services Manager, 01242 774937  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

## Cabinet

**Tuesday, 13th March, 2012**

**6.00 - 6.42 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Built Environment), Klara Sudbury (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Sport and Culture), John Webster (Cabinet Member Finance and Community Development), Roger Whyborn (Cabinet Member Sustainability) and Colin Hay (Cabinet Member Corporate Services)

## Minutes

**1. APOLOGIES**

None received.

**2. DECLARATIONS OF INTEREST**

Councillor Hay declared a personal and prejudicial interest in agenda item 6 as a member of the board of Cheltenham Borough Homes and announced his intention to leave the room for this item.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the minutes of the meeting held on 7 February 2012 be approved and signed as a correct record.

**4. PUBLIC QUESTIONS AND PETITIONS**

No public questions or petitions were received.

**5. CORPORATE STRATEGY - 2012-13 ACTION PLAN**

The Leader introduced the report as circulated with the agenda. He explained that Council had agreed the corporate strategy 2010-2015 in March 2010 which set out the five objectives and eleven outcomes which the council wanted to achieve by 2015. This report set out the 2012-13 action plan in support of the strategy. He explained that an updated report would be produced for Council including all the comments from the overview and scrutiny committees who had reviewed the plan at their last meeting.

The corporate strategy had been prepared in the context of constraints on budgets and resources and some scrutiny members had challenged the council's capacity to deliver the action plan. This year the resources needed to support the action plan had also been estimated and as a result the Leader was confident that the action plan could be delivered. He felt it was right that the action plan should be ambitious and challenging. He also highlighted the new

structures being introduced for partnerships and scrutiny. It was important not to duplicate the work that these new structures would be delivering and partnerships would continue to have their own role in addition to delivering the council actions. He asked Cabinet to support the action plan.

**RESOLVED**

**To endorse the draft corporate strategy action plan for 2012-13 ahead of it going to Council for final approval (appendix A.)**

**6. CHELTENHAM BOROUGH HOMES DEVELOPMENT OPTIONS REVIEW**

The Cabinet Member Housing and Safety introduced the report. The background to the report was that Council in February 2009 had approved a capital strategy which confirmed that Cheltenham Borough Homes (CBH) was its preferred development partner. In April 2009, Cabinet, in response to the capital strategy, agreed in principle to support the submission of grant funding bids to the Homes and Communities Agency (HCA). CBH had submitted a bid through a consortium with Bromford Housing to deliver affordable homes at a number of sites. Unfortunately the bid consequently submitted by the consortium was unsuccessful. Since then officers from CBH had been considering what alternative funding streams may be available to ensure that these sites can be delivered and working with council officers had considered a number of different options which were set out in this report. The options covered plans for moving forward with three of the priority development sites at St Pauls phase 2, Cakebridge Place and four garage sites in the town. Cabinet would need to ensure that any proposals they finally endorsed would provide value for money and whether they became CBH or CBC properties. As well as financial or viability matters, they would need to give due consideration to the social and environmental impacts of options available.

Cabinet Members felt this was very positive news for the town and represented a very significant development in meeting housing needs in the town. The Cabinet Member Finance and Community Development expressed concerns at the government's approach in encouraging applications for government funding on potential schemes, some of which may not be subsequently realised. The council may be in a position to benefit from this should they have schemes that are ready to be implemented.

**RESOLVED THAT**

**1.1 CBH be approved to pursue the options as set out below, with a view to identifying a viable option for each site based on costs, designs, ownership and risks for approval by Cabinet.**

- i) St. Pauls Phase 2 – options one, two, three and four**
- ii) Cakebridge Place - options one, two, three and four**
- iii) Garages – options one and two (with the addition of grant if reallocation by HCA secured).**

**1.2. CBH be assisted in identifying the most viable option for each site, CBH be authorised to undertake any necessary procurement exercises to identify a suitable developer partner who will provide a developer grant**

**and/or capital as required, provided that no partner shall be selected until a report on the preferred developer partner(s) and the appropriate value for money tests is approved by Cabinet.**

**1.3 Authority be delegated to the S151 Officer in consultation with the Cabinet member Housing and Safety, Cabinet Member Finance and Community Development and Director Commissioning to approve any submission by CBH to be the registered provider for the development at North Place based on a nil subsidy approach which secures good value for money for the council and for CBH.**

**1.4 It be noted that CBH will continue to pursue potential unallocated grant for those garage sites which have planning permission, with a reduced subsidy requirement aimed at HRA funding and will liaise with the relevant cabinet members and Ward Councillors as schemes become viable.**

**1.5 CBH be approved to employ contractors to carry out reactive repairs to CBC's housing and authority be delegated to the Director of Commissioning in consultation with Cabinet Member Housing and Safety and the Borough Solicitor to amend the management agreement accordingly.**

**7. STROUD CORE STRATEGY - PREFERRED STRATEGY CONSULTATION**

The Leader introduced the report explaining that Stroud District's Core Strategy, had been prepared by Stroud District Council to cover a 15 year period up to 2026. The Stroud District Core Strategy - Preferred Strategy consultation had been formally published and Cheltenham Borough Council had been invited to comment on the current proposals by 19 March 2012. The proposals in the document built on the work done to date by Stroud District, though this has been revisited in light of the revocation of the South West Regional Spatial Strategy through the provisions of the Localism Act. The version of the plan set out in the report was the 'preferred strategy' and set out the distribution of 3,200 new homes and the approach to providing 6,400 jobs. He referred members to the draft comments on the Core Strategy provided at appendix 2 of the report for approval by Cabinet.

He highlighted two particular issues. Firstly the proposed development at Hunts Grove, south of Gloucester, was realistically part of Gloucester rather than Stroud and hence it was of interest to the JCS. Secondly Stroud had prepared the strategy based on demographic projections from the DCLG whereas CBC had used the county figures. This needed to be borne in mind when making comparisons.

Councillor Walklett asked whether Stroud District Council had been invited to join CBC, Tewkesbury and Gloucester City in the Joint Core Strategy (JCS). The Leader said it was his understanding that discussions had taken place. Clearly the close proximity of the three towns made the JCS a sensible approach and it may have been considered too complicated to involve Stroud as well. However it had always been acknowledged that cross boundary discussions with Stroud were vital and hence the recommendation in the report.

**RESOLVED THAT:**

**(i) The comments set out at Appendix 2 of this report for submission to the public consultation on the Stroud District Core Strategy be approved.**

**(ii) It be requested that Stroud District Council meet with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Project Board to discuss cross boundary implications and for these discussions to be reported to the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Member Steering Group.**

**8. BRIEFING FROM CABINET MEMBERS**

There were no briefings from Cabinet Members.

**9. DEVELOPMENT OF LAND AT NORTH PLACE AND PORTLAND STREET**

The Cabinet Member Built Environment introduced the report. Following the Cabinet decision on the 18 October 2011 which endorsed the recommendations of both the Development Task Force and full Council to appoint Augur Buchler as the preferred bidder for the sites there have been ongoing negotiations between Augur Buchler and the foodstore operator. Further financial work had confirmed that the offer from Augur Buchler was the best offer from those received and the valuers, GVA, were confident that it represented "best value" for the land at North Place and Portland Street.

Since the Cabinet decision the CBC team had been progressing the scheme on a number of fronts, which included the clarification of the agreed legal structure (the development agreement), dealing with planning issues through the pre-application process and collaboration on points of mutual interest particularly relating to neighbouring properties.

The negotiations between Augur Buchler and the foodstore operator had resulted in the need to provide additional car parking spaces for the food store operator if board approval was to be achieved. In addition the proposed hotel had been removed from the scheme as the operating requirements of the foodstore and hotel were not compatible.

The outcome of the scheme delivered all the mandatory requirements of public realm works, together with a long term-income stream and a very significant capital receipt.

In conclusion, the Cabinet Member said that the council was now close to delivery on the development which was a considerable achievement in the current economic climate and would deliver jobs and boost the local economy. The developer estimated 275 jobs in the long term a number of which were skilled. In considering the report, he advised that all members should have due regard to the financial and legal implications set out in the exempt appendices.

Cabinet Members supported the view that this was very good news for the town and they wished to put on record their thanks to everybody involved over the last 10 years in getting the project to this stage and in particular the Cheltenham Development Task Force. As well as supporting the economic growth of the

town, the development also reflected well on the desirability of Cheltenham as a place to do business and would encourage further development.

Councillor Walklett was invited to speak by the Leader. As Ward Councillor for St Pauls, Councillor Walklett applauded the progress that had been made on the scheme but wished to highlight some concerns expressed by local residents adjacent to the development site. In his view there were two main issues that needed to be addressed via the forthcoming legal consultancy process. Firstly there was an expectation that a supermarket would generate extra traffic flow around the eastern edge of his ward. He would encourage detailed plans to incorporate sufficient roadworks, signage and perhaps pedestrian crossings to accommodate both the regular influx of large delivery vehicles and to preserve the safety of pedestrians crossing the already busy Swindon Road. The second issue related to an equally serious concern expressed by residents of Northfield Passage and Terrace whose properties back on to the northern edge of the development. He understood from the architectural drawings he had seen that there would be three storey buildings of a sufficient height to block sunlight from residents' windows. He wished to draw the council and developers attention to the Right of Light legislation under common law or by the Prescription Act of 1832. There were a number of residents who had legally acquired such rights having enjoyed 20 years of unobstructed daylight. These were overriding interests and were valid whether or not they were registered on any title deeds. He would therefore strongly urge both the CBC planning department and the developers to communicate directly with those residents affected as "a development may be prevented due to a Right of Light, even if Planning Permission has been granted by a Local Authority."

The Cabinet Member Built Environment thanked Councillor Walklett for his input. In response he said that the Cheltenham Development Task Force were working in partnership with traffic engineers at the County and acknowledged that traffic flow was an important issue which was already being studied with a pilot in St Mary's Road. The impact of the development on neighbouring houses was also an important issue and he hoped to be able to alleviate any concerns. The decision not to go ahead with the hotel could also reduce the mass of the building proposed.

Before moving to the vote the Leader asked members to confirm that they had fully studied the legal and financial implications in the exempt appendices.

With this confirmation, upon a vote it was

**RESOLVED THAT**

- 1. The variations to the scheme submitted by Augur Buchler and previously accepted by Cabinet at its meeting on 18 October 2011 be approved.**
- 2. The resolutions made on 18 October 2011 be confirmed so that the Head of Property and Asset Management in consultation with the Borough Solicitor continues to be authorised to:-**
  - a) conclude the documentation required to dispose of the Sites as necessary (noting that the sites may be disposed of in**

parts by way of leasehold and freehold disposals and to more than one party);

- b) enter into an agreement for the purchase of land at Warwick Place from Gloucestershire County Council

**10. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS**

Upon a vote it was unanimously

**RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 2, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:**

**Paragraph 2;** Information which is likely to reveal the identity of an individual

**Paragraph 3;** Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**Paragraph 5;** Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

**11. EXEMPT MINUTES**

**RESOLVED that the exempt minutes of the meeting held on 7 February 2012 be approved and signed as a correct record.**

**12. CBH MANAGEMENT REVIEW**

The Chief Executive informed members that he had agreed with the Chair that this update could be taken in open session.

The Chief Executive confirmed that he had carried out a management review of CBH as requested by Cabinet at their last meeting. He had concluded that the council and CBH would benefit from more two-way communication between the elected Members and the CBH Board. There was also a need for greater clarity on the role of council representative and observer on the CBH Board. The detail of these two conclusions would be picked up by the Director of Commissioning who would be producing a report for Cabinet in June regarding the governance arrangements for CBH.

**Chairman**



**Cheltenham Borough Council  
Cabinet – 17 April 2012  
Promoting Cheltenham Fund 2012**

<b>Accountable member</b>	<b>Cllr. Steve Jordan, Leader of the Council</b>
<b>Accountable officer</b>	<b>Richard Gibson, Strategy and Engagement Manager</b>
<b>Accountable scrutiny committee</b>	<b>Economy and Business Improvement Overview and Scrutiny Committee</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>Promoting Cheltenham Fund is a pot of funding to support events, projects and initiatives that will stimulate economic and business growth in Cheltenham. The 2011 round was launched in July 2011 and on 18 October 2011, Cabinet agreed to allocate £150,100 from the Promoting Cheltenham Fund pot worth £179,006.</p> <p>This left a sum of £28,900 which was to have been allocated as part of a second tranche in March 2012. A bid has been developed to use this funding to support the creation of a new tourism website for the borough.</p> <p>In the meantime, the council's agreed budget for 2012-13 included an additional sum of £141,500 for the Promoting Cheltenham Fund. Cabinet are asked to consider the proposed application guidelines and process for allocating this funding.</p> <p>To support Cabinet making decisions on the fund, a review of the funding has been carried out.</p>
<b>Recommendations</b>	<p><b>Cabinet to note the review of projects funded from the 2011 round – see appendix 2.</b></p> <p><b>Cabinet to consider whether to approve the proposal to use £25,000 from the 2011 Promoting Cheltenham Fund to support the creation of a new tourism website – see appendix 3.</b></p> <p><b>Cabinet to approve the guidelines and process for allocating the 2012 Promoting Cheltenham Funds – see appendix 4.</b></p>

<b>Financial implications</b>	<p>The fund comprises £141,500 from the government's new homes bonus to support events, projects and initiatives that will stimulate economic and business growth in Cheltenham</p> <p><b>Contact officer: Andrew Sherbourne</b>  <b>Principal Accounting Technician</b>  <b>E-mail: andrew.sherbourne@cheltenham.gov.uk</b>  <b>Tel no: 01242 264337</b></p>
<b>Legal implications</b>	<p>The grants will be formalised by agreement based on the Community Giving Grant template.</p> <p><b>Contact officer: Donna Ruck</b>  <b>E-mail: donna.ruck@tewkesbury.gov.uk</b>  <b>Tel no: 01684 272695.</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>None</p>
<b>Key risks</b>	<p>If grant funding is allocated to an organisation that subsequently goes onto use the funding on a fraudulent basis – see <b>appendix 1</b></p>
<b>Corporate and community plan Implications</b>	<p>The proposed allocations set out in <b>appendix 2</b> will enable the council to deliver on the following outcomes:</p> <ul style="list-style-type: none"> <li>• Cheltenham has a strong and sustainable economy</li> <li>• Our residents enjoy a strong sense of community.</li> <li>• Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.</li> </ul>
<b>Environmental and climate change implications</b>	<p>None identified</p>

## 1. Background

- 1.1** On 26 Jul 2011, Cabinet agreed to launch the Promoting Cheltenham Fund which was a pot of funding worth £179,000 to support events, projects and initiatives that would stimulate economic and business growth in Cheltenham. The funding would be allocated in two tranches; phase 1 was launched at the end of July with a closing date of Friday 30th September.
- 1.2** Organisations across Cheltenham were invited to apply for a single award typically up to a maximum of £20,000 though larger bids for multiple events could be considered.
- 1.3** Organisations were asked to deliver one or more of the following outcomes:
- Increased visitor numbers;
  - Increased new business investment;
  - Increased retention, investment and expansion of existing businesses;
  - Increased recognition of the Cheltenham brand on a national/international scale.
- 1.4** The guidelines stated that successful projects must produce economic outputs which were measurable (e.g. the number of attendees; revenue generated for the organisation, revenue generated for other businesses) but also have lasting economic benefits for Cheltenham and the local community.
- 1.5** In total 19 applications were received, with a cumulative request for £409,000, which were

assessed by the grant assessment panel which met on Friday 7<sup>th</sup> October. The panel comprised the Leader of the Council, the Cabinet Member for Finance and Community Development, the Cabinet Member for Sport and Culture, Cllrs. Tim Cooper and Malcolm Stennett from the Economic and Business Improvement O+S Committee and John Forward and John Leamon from Cheltenham Business Partnership.

- 1.6 On 18 October, Cabinet agreed to allocate £150,100 to 14 projects, leaving an unallocated sum of £28,900. A review has been carried out of these projects and this is attached as appendix 2.

## 2. Issues arising from the review

- 2.1 Overall the projects are progressing well; the Pittville Christmas Ice Rink project did not proceed due to concerns from local residents. The applicant was given an opportunity to set out a case for retaining the £10k allocation for Christmas 2012 and how she would address local residents' concerns. Instead, the applicant has decided to withdraw her application so the £10k will be put back into the fund.
- 2.2 Original plans set out by the organisers of the Sustainable Street Expo 2012 generated resident objections; at this stage we believe that the revised plans for the Expo are proceeding and that concerns raised from residents will be addressed in these plans.

## 3. The proposal for a new Tourism website

- 3.1 The need for review of the Tourism website was set out in the council's Tourism and Marketing Strategy that was agreed by Cabinet in April 2011 and developed by a joint working group from Social and Community and Economy and Business Improvement Overview and Scrutiny Committees. The strategy says:

"The Visit Cheltenham website, which already receives well over a million hits a year, is sure to become an even more important tool for promoting Cheltenham in the coming years. It is therefore very important that it is 'fit for purpose'. Considerable work has been done to improve the Visit Cheltenham website, but it is important that its effectiveness is kept under review. Not only must it be comprehensive and provide easy access to a wide range of information about the attractions of the town. It must also provide easy and effective links with related sites, especially those that carry information about events and facilities that might interest visitors and make their visit more enjoyable."

- 3.2 A stakeholder survey of the current Tourism website ([www.visitcheltenham.com](http://www.visitcheltenham.com)) subsequently undertaken found that only 33% of people using the site found it to be generally appealing, only 53% found the information they were looking for easily and only 40% would recommend the site to others. Other research has shown that 83% of potential visitors to an area will consult a website in advance as opposed to only 27% who would use a paper brochure.
- 3.3 As the main destination website for Cheltenham, the council's tourism team are seeking address these issues through seeking funding to create a new Tourism website. As the website is one of the most significant elements of how Cheltenham promotes itself nationally and internationally, and would clearly support delivery of the four Promoting Cheltenham Fund criteria an application for £25,000 has been put forward.
- 3.4 The website proposal was mentioned at the council's Economy and Business Improvement O+S meeting where it was suggested that the proposal be circulated to members of the assessment panel for comment. If the proposal found favour with the panel, it would go to Cabinet on 17th April for approval.
- 3.5 To date, feedback received from the panel has been positive, with particular support for the proposal coming from the commercial partners on the assessment panel; the Cheltenham Chamber of Commerce, Cheltenham Business Partnership and from the Regent Arcade.
- 3.6 However, the following questions have been raised:
- How were the costs of the project arrived at?

- How will the procurement exercise ensure the quality of design and functionality for users?
- What will the process be for the regular updating of the new site?
- Can the site provide information for potential business visitors and investors?

**3.7** In response to the questions, Jane Lillystone, Museum, Arts & Tourism Manager has stated that the cost figure used in the application is based on the costs of developing similar websites for the Town Hall and leisure@. She has also stated that there is no particular supplier in mind, nor final specification but welcomes the importance that partners are placing on design, ease of use, ability to be updated easily and the links with economic development. More information will be provided at the Cabinet meeting in response to these questions.

**4. Application guidelines and process for 2012**

**4.1** The application guidelines (see appendix 4) are mostly unchanged from 2011 with the exception of an additional outcome to support:

- *“The increased recognition, viability and sustainability of local commercial areas”*

**4.2** This is in response to the feedback received from traders operating in areas like Montpellier and the Suffolks who, as independent traders, are finding it more challenging to survive.

**4.3** If approved by Cabinet, the grant round will commence on 20<sup>th</sup> April and will close on 29<sup>th</sup> June, allowing 10 weeks for applications to be prepared and submitted. This would enable decisions to be made at the Cabinet meeting on 17<sup>th</sup> July 2012.

**5. Opportunities for bidding**

**5.1** The Promoting Cheltenham Fund does provide an opportunity for bidders to come forward with projects that could address some of the issues that have been raised recently by elected Members.

**5.2** There is a strong desire amongst elected Members to create a lasting reminder of the Queen’s Diamond Jubilee and that this could be supported from the Promoting Cheltenham Fund to enable this to happen.

**5.3** There has also been a lot of interest amongst elected Members to use the Promoting Cheltenham Fund to encourage the design, production and marketing of a Cheltenham “bag for life” that would address the issues of plastic bags.

**5.4** Officers will be able to offer more information for organisations wishing to come forward with Diamond Jubilee or plastic bag projects.

<b>Report author</b>	Richard Gibson, Strategy and Engagement Manager, 01242 235354, richard.gibson@cheltenham.gov.uk
<b>Appendices</b>	<ol style="list-style-type: none"> <li><b>1. Risk assessment</b></li> <li><b>2. Review of Promoting Cheltenham Fund projects 2011</b></li> <li><b>3. Proposal from Cheltenham Tourism for new website</b></li> <li><b>4. Application guidelines and process for 2012</b></li> </ol>
<b>Background information</b>	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the commissioning division does not put proper controls in place for the management of the partnership small grants funds, then we run the risk of funds being used inappropriately or even fraudulently	Strategy and Engagement Manager	Apr 2010	3	3	9	reduce	Implement and monitor small grants protocols	ongoing	Strategy and Engagement Manager	Implementation of grant protocols has reduced the likelihood to 2.

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## Promoting Cheltenham Grant Fund 1<sup>st</sup> Quarter Review

### Funding

£179,000 to support events, projects and initiatives that will stimulate economic and business growth in Cheltenham.

### What we were looking to support

Projects must have delivered to one or more of the following outcomes:

- Increased visitor numbers;
- Increased new business investment;
- Increased retention, investment and expansion of existing businesses;
- Increased recognition of the Cheltenham brand on a national/international scale.

Projects must produce economic outputs which are measurable (e.g. the number of attendees; revenue generated for the organisation, revenue generated for other businesses) but also have lasting economic benefits for Cheltenham and the local community.

Projects can be existing or new, but must go beyond the routine activity of your organisation.

Projects must involve and benefit Cheltenham's community.

Projects must take place in Cheltenham.

### Successful Projects

- Everyman Theatre - The Everyman (and Cheltenham) Heritage Experience
- Cheltenham Poetry Festival – Outreach Project
- Cheltenham Design Festival
- Cheltenham Film Festival
- Northcliffe Media FAB – Fashion and Beauty Event
- Friends of Pittville – Understanding Pittville Project
- Cheltenham Folk Festival
- Olympic Torch Relay and celebration event
- Midsummer Fiesta
- Cheltenham Motor Sports Ltd - Sustainable Street Expo 2012
- Bath Road Traders – Christmas Lights Event
- Cheltenham Festivals
- Holst Birthplace Museum – Holst Discovery Project

### Unsuccessful Projects

- The Stable Company – Mini farm
- Friends of St. Mary's Church
- Friendly Forests - Festival
- Fair Shares Gloucestershire – Time bank
- By Local
  
- Pittville Park Ice rink project - cancelled

## Project updates

ORGANISATION	PROJECT	FUNDING ALLOCATED	FUNDING RECEIVED TO DATE	PROJECT UPDATE/OUTCOMES
Bath Road Traders	Bath Road Christmas Lights Event  25 <sup>th</sup> Nov 2011	£4,100	4,100 01/02/12	<b>Project completed</b> <ul style="list-style-type: none"> <li>• <b>Increased visitor numbers</b> -More than 1000 people lined Bath Road, 100% improvement on the previous year.</li> <li>• <b>Increased retention, investment and expansion of existing businesses</b> - More than 6 businesses on Bath Road recorded their best ever trading in one day.</li> </ul>
Everyman Theatre	The Heritage Experience	£5,000		Trained tour guides in place. There is a small charge (£5). There were 75 tours between October and the end of December and it is hoped to maintain at least 4 per week.
Cheltenham Poetry Festival	Cheltenham Poetry Festival  18-22 <sup>nd</sup> April 2012	£5,000	£1,250 6/12/11	Leaflets and advertising materials are printed and have been distributed. Poetry workshops with elderly groups in nursing homes will start after Easter.  Looking at cost effective ways to promote event on a wider scale
Cheltenham Design Festival	Cheltenham Design Foundation  20-22 <sup>nd</sup> April 2012	£5,000	£4000 05/03/2012	Programme completed and brochures have been printed and distributed. Tickets are now on sale and final preparations for marketing and media publications are being made locally, there will also be national coverage in the Guardian. 20 x 14-16 year olds successfully completed the design academy over 20 Saturday sessions between September and April 2012. Launch event taken place.
Cheltenham Film Festival	Cheltenham Film Festival 2012	5,000	£2,500 31/10/11	Events: <i>The Whistleblower</i> , (1987) (With Nigel Havers / Michael Caine) / Filmed on-location in Cheltenham- <i>Champions</i> , 1984 (With John Hurt) / Filmed on-location at Cheltenham Racecourse. A celebration of Cheltenham Film Festival's patron Simon Pegg. Local historical footage event / A compilation of sourced footage that we are steadily drawing together.
Northcliffe Media Ltd t/a Gloucestershire Media	FAB - Fashion and Beauty in Cheltenham  19-24 <sup>th</sup> March	£15,000		Event completed awaiting feedback and report detailing outcomes
Friends of Pittville	Pittville heritage boards: Understanding Pittville	£5,000		Begun researching best design for the heritage boards, begun researching what other walking tours are available - guided, self-guided Researching the different media used by others, e.g. MP-3 players, QR codes (see below) Started to assemble images for the heritage boards and leaflet Established what the borough council is planning in way of tree and wildlife walks in Pittville Identifying potential designers for heritage board and leaflet content. Secured comment on and input to content from local secondary school pupils, in principle, from headteacher.



<b>Cheltenham Borough Council</b>	Cheltenham Folk Festival  <b>10-12<sup>th</sup> Feb 2012</b>	15,000		Festival has taken place, awaiting final report detailing outcomes.
<b>Cheltenham Borough Council</b>	Olympic Torch Relay and celebration  <b>23<sup>rd</sup> May 2012</b>	£15,000		Project is progressing well
<b>Cheltenham Borough Council</b>	Midsummer Fiesta 2012  <b>7<sup>th</sup> July 2012</b>	£2,500		2 steering group meetings have been held so far with the following results: <ul style="list-style-type: none"> <li>• Steering group membership and leads for each area of work agreed. Planning meeting dates set for the rest of the planning time and timeline for decision making agreed.</li> <li>• Agreed to host a world record attempt for the largest tea dance. This will be heavily promoted by the Music Festival. 300 + couples needed to break the current record.</li> <li>• Agreed to have an Olympic theme and to approach National Governing Bodies for Olympic sports (hockey, golf etc) and provide tasters in these sports to encourage healthy lifestyles.</li> <li>• Site plan has been agreed. • List of potential bar and food caterers to be assembled ready for selection.</li> <li>• Social media sites to be updated</li> <li>• Business sponsorship raffle has launched</li> </ul>
<b>Cheltenham Motor Sports Ltd</b>	Sustainable Street Expo 2012  <b>8-9<sup>th</sup> Sep 2012</b>	£10,000	£2,001	Following extensive representations and discussions, acknowledging public concerns around the over use of Imperial Gardens for the 2012 event, they will withdraw from any use of Imperial Gardens. Plans are now being drawn up to relocate the event to the Inner Promenade. The plans will be set out in a traffic management plan that will need the agreement of Gloucestershire Highways, Gloucestershire Constabulary and others as appropriate.  Cheltenham Motorsports hope to announce the first of their major sponsors in the next couple of weeks.
<b>Cheltenham Festivals Ltd</b>	Cheltenham Festivals; Jazz, Science, Music and Literature	£50,000	£45,000 23/12/11	A revised business plan was submitted in December 2011. It was agreed that encouraging residents from less prosperous areas of Cheltenham into the town centre for Festivals was a key aspect as was promoting Cheltenham's local talent. It was also agreed that attracting visitors from further afield was important.
<b>Holst Birthplace Museum</b>	Holst Discovery Space	£6,000		First stage progressing well, room cleared waiting to hear on securing further funding from Heritage Lottery Fund.

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# Promoting Cheltenham Fund Application Form

**Please send your application to:**

Richard Gibson, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 1PP. Email: Richard.gibson@cheltenham.gov.uk

**Closing date for applications for the programme is 5.00pm Friday 30<sup>th</sup> September 2011. Final decisions will be made by the Borough Council's Cabinet on 18<sup>th</sup> October 2011.**

**1. Contact Details**

<b>Name of Organisation</b>	Cheltenham Tourist Information Centre
<b>Address</b>	77 Promenade Cheltenham Glos GL50 1PJ
<b>Telephone</b>	01242 775706 / 237431
<b>Email</b>	Jane.lillystone@cheltenham.gov.uk
<b>Name of Contact Person</b>	Jane Lillystone
<b>Position in the organisation</b>	Museum, Arts & Tourism Manager

**2. Organisational Status** Please tick all that apply:

<b>Registered charity</b> <input type="checkbox"/>	<b>Charity number:</b>	
<b>Company Limited by guarantee</b> <input type="checkbox"/>	<b>Company number:</b>	
<b>Charitable Trust</b> <input type="checkbox"/>	<b>Constituted Voluntary organisation</b>	<input type="checkbox"/>
<b>Other</b> (please explain) Local Authority		
<b>If you are a charity with an income over £5,000, have you registered with the Charity Commission?</b> YES / NO If not, we may contact you about this.		
<b>Is your organisation signed up to the Gloucestershire Compact?</b> Yes / No / not applicable		
<b>If not, are you willing to consider it?</b>		

**Don't forget to send the following:**

**A copy of your constitution**



**(We can't process your application without this!)**

### 3. About Your Project

#### Name of project

*Marketing Cheltenham*

#### Please give a brief description of your project (maximum of 100 words)

Our project is the re-design and launch of a new destination website for Cheltenham Tourism.

This will provide high quality visitor information, and will play a key role in enhancing the overall visitor experience, through creating a positive image of Cheltenham and a genuine sense of place.

The website will also showcase what is distinctive to Cheltenham and present an opportunity – a 'window to the world' – to inspire visitors to explore our tourism offer in more detail, and turn their interest or query into an actual booking/visit – thus, generating wider local (and economic) benefits to the whole borough and wider region.

#### How will your project deliver one or more of the four identified outcomes:

- **Increased visitor numbers;**
- **Increased new business investment**
- **Increased retention, investment and expansion of existing businesses**
- **Increased recognition of the Cheltenham brand on a national/international scale**

Recent research has shown (*The Cotswolds Perception & Awareness Research*, 2012, Arkenford) that 83% of visitors (accessing the 'Cotswold Brand') will look on the internet before making a booking, as opposed to 27% who will use a brochure / holiday guide from a Tourist Information Centre. This is also indicative of current statistics for Cheltenham Tourism – for example, during the last year we have seen an increased demand from customers using the website for information (prior to a trip), and a decline in customers contacting the Tourist Information Centre directly – either via the telephone or in person.

VisitEngland, within their *Modernising Visitor Information Action Plan*, have stated that: "The ways that visitors access information has changed dramatically in recent years. Over the next ten years, developments in new technology and changes in consumer behaviour will continue to shape the future of visitor information services in England and will require a radical step-change in information delivery across the industry. In the UK, 76% of the population use the internet (source IMRG April 2010). It is regarded as the main source of information for travel planning and the key medium at the booking stage but offline booking alternative remains important."

It will become increasingly important therefore, that Cheltenham Tourism, in maintaining or even increasing current visitor numbers, will need to ensure that its methods of providing information responds to advances in technology and changes in consumer behaviour.

Our project, ***Marketing Cheltenham***, will provide Cheltenham with an opportunity to address these issues, initially through the launch of a new modernised website (integrated regionally via the Destination Management Organisation, Cotswold Tourism, and profiled nationally to VisitEngland), and then further, through ensuring that it continues to maintain pace with technological advances – particularly via mobile devices and applications, including map based search functions using Global Positioning Systems (GPS), information accessible through cameras (through location recognition and augmented reality), QR Codes ('barcodes' which can be read by some smart phones and provide more information or weblinks), spatially referenced User Generated Content (UGC) and location based services. But also, in tandem with, and linked to, the re-location of Cheltenham's Tourist Information Centre to the Art Gallery & Museum's new redevelopment, and the positioning of the development as a 'first stop' for tourists and visitors coming into the town and the Cotswolds - as well informed visitors will stay longer in destinations, and most importantly, will want to return.

This approach will also benefit wider Cheltenham-based cultural organisations/attractions and retail businesses, ensuring that key stakeholders have a high profile on the new website and are positively promoted as part of the Cheltenham destination (brand) – enabling a more cohesive approach to marketing the whole of the town, both nationally and internationally.

**How do you know that there is a need for the project?**

A need has been identified through consultation with customers of the current existing tourism website and key stakeholders – both internal and external partners.

A large proportion of the visitors and stakeholders taking part in the survey, stated that they found the current site 'generally unappealing', and 'quite unlikely' to recommend the site to others – whilst 90% of stakeholders indicated that they 'would be happy to have a reciprocal link' to the website and a further 74% would be interested in working together 'on a promotional and business basis'.

Further results from the consultation have been included within an attachment to this application.

Additional need has also been identified through the recent *Cotswolds Perception & Awareness Research* (Arkenford, 2012) survey – particularly with reference to visitors using information sources (before and during a trip). The research summarised that the internet is a key source for information prior to a trip and that print (i.e. brochures/visitor guides) is being used far less frequently (but still used when people are actually in the region/destination). It further identified that people are increasingly wanting to access information electronically and that they are more likely to do this from their phone than from a PC/laptop – although at present, there is a relatively low use of mobile apps (this is however increasing, and will increase more over the next few years).

**How will you measure the success of the project?**

The success of the project will be identified through the following key indicators:

- Website hits
- An increase in visitor numbers to the town
- Increase in accommodation bookings made online
- Increase in additional sales for etickets/eshop and conference bookings online
- Launch of marketing campaigns in partnership with other cultural, heritage, sporting and retail businesses in Cheltenham
- Successful launch of the Arts and Crafts mobile app tour – and the subsequent research/development into the use of mobile apps for other tourism campaigns for Cheltenham and the wider Cotswolds destination.
- Continued feedback/consultation with customers and stakeholders on the new website.

**How will you generate excitement about the project and make sure that the community benefit from the project?**

The new website will be launched as part of a high profile marketing campaign through local, regional and national press/media – including via the new Cheltenham Tourism e-newsletter and Cotswolds Tourism Destination Management Organisation (DMO). A QR code (for use by smartphones) to promote the new website will also be created as part of the launch campaign, and this will be used extensively on all Cheltenham Tourism publicity.

We will also use the opportunity of the new website to publicise the Promoting Cheltenham Fund – including details and news on all the successful projects so far.

**How will you make sure that the project creates lasting benefits for the community and what are your plans for the project once the grant funding has come to an end?**

Once the grant funding has come to an end - our project will continue through the website. Following its launch, the website will be hosted (on a yearly basis) as a key part of Cheltenham Tourism's marketing campaign – promoting Cheltenham as a main destination, in conjunction with (and linked to) the wider Cotswold DMO. The benefits to the local community and businesses will be realised through the opportunities that a high profile visitor information website will play in encouraging and inspiring more visitors to explore Cheltenham as a distinctive destination – through its local prestigious festivals, cultural/sporting events, heritage, retail, and restaurant/café services – and in partnership/collaboration with local businesses, to increase business satisfaction by providing quality visitor information as a key part of our service.

**How will you add value to the promoting Cheltenham fund by using any grant to raise additional financial support or match it with support in-kind?**

We are currently developing a mobile app (that will include a flexible tour of Arts and Crafts buildings, attractions and contemporary makers in the Cotswolds (using GPS or equivalent technology) – with funding from the Arts Council – to promote Arts and Crafts tours around the wider Cotswolds. This will be directly linked to the Art Gallery & Museum's Designated collection on the Arts and Crafts Movement – through using 3D images of selected objects from the collections and additional images/information from the archive collections of photographs and drawings – to add in-depth information to the mobile app. We have included an element of the funding from the Arts Council grant towards our Marketing Cheltenham application – as this will cover the creation/installation of mobile-friendly pages and promotional elements of the mobile app that will be directly linked to the new Cheltenham Tourism website, including a printed tour guide for customers without mobile smart phones.

**What permissions and/or licences do you need to achieve your project and what are your plans / timescale to secure these permissions?**

Not applicable.

**Who else will you work with to deliver the project?**

We will work with/link to the following internal/external organisations to deliver our project.

Internal:

Art Gallery & Museum  
 Economic Development  
 Town Hall / Pittville Pump Room  
 Twinning Office  
 Leisure@Cheltenham  
 Parking  
 Parks & Gardens

External:

Cotswolds Tourism DMO  
 GFirst  
 VisitEngland  
 Visit Britain  
 Quality in Tourism  
 South West Tourism Alliance  
 Cotswolds Attractions Group  
 Cheltenham Hospitality Association  
 Accommodation providers  
 Cheltenham Festivals and other festival providers  
 Cheltenham Racecourse  
 Cheltenham Chamber of Commerce  
 University of Gloucestershire  
 Gloucestershire Chamber of Commerce  
 Bath Traders Association  
 Cheltenham Connect  
 Gloucestershire Airport  
 All the councils in the Cotswolds area  
 Attractions in Cheltenham and the wider Cotswolds area  
 Entertainment venues i.e. The Everyman Theatre, the Playhouse Theatre etc.  
 Retail outlets i.e. Regent Arcade, Beechwood Shopping Centre, The Brewery etc.  
 Restaurants / cafes  
 Conference providers and bookers  
 Group organisers / coach companies i.e. National Express

#### 4. Please complete if your project involves children and young people or vulnerable adults

**Do you have a Safeguarding children and vulnerable adults policy?**

**Yes / No / not applicable**

\*Please note we may wish to see copies of these policies

Are all your staff and volunteers who will be associated with the project CRB (Criminal Records Bureau) checked?

**Yes / No / not applicable**

If no what measures do you have in place to safeguard children and young people or vulnerable adults on your project?

More information on safeguarding is available from the following websites:

[Gloucestershire Safeguarding Children Board](#)

[Gloucestershire safeguarding adults web-pages](#)

[CBC safeguarding pages](#)

#### 5. About the money you are asking for

	£
Total amount your project will cost	30,000
Amount you are asking the council for <i>This figure is based on the costs of developing similar websites for the Town Hall and leisure@. There is no particular supplier in mind, nor final specification.</i>	25,000

Where is the rest of the funding coming from?  
Please itemise each source

SOURCE	£	Is this funding secured?
Arts Council – For the creation of a mobile app for an Arts and Crafts (directly linked to Cheltenham Art Gallery & Museum's Designated Arts and Crafts Movement collection) tour within the Cotswolds	5,000	YES

#### 6. How you will spend the money

	Total spend	Grant requested
Equipment or materials <i>(please specify)</i>		
Staff expenses		
Room hire/rent or other overheads <i>(please specify)</i>		
Other <i>(please specify)</i> <i>Design and launch of the new website – including hosting arrangements with the Cotswolds DMO site</i>	£25,000	£25,000
<b>TOTALS</b>		

This part is to be signed by all applicants.

If you are submitting this form by email, please print and send a signed copy (at least a copy of your signature page) in the post to the address on the front of this form.

**Declaration and Data Protection Statement**

**Data Protection Act** 

I confirm that the organisation/group named in this form has authorised me to sign this application on their behalf.

The information contained in this application is correct, to the best of my knowledge, and I confirm that any grant aid received will be used solely for the purposes specified in the application.

I agree to my name and my organisation’s details being held on paper or electronic files.

I understand that the information in this form may be shared with other local funders.

**Don’t forget to send the following:**

**A copy of your constitution**

**A copy of your latest accounts**

<b>Signature</b>	
<b>Name of person signing</b>	Jane Lillystone
<b>Position in Organisation</b>	Museum, Arts & Tourism Manager
<b>Date</b>	12/03/2012



## **Promoting Cheltenham Grant Fund Application Guidelines 2012**

### **Introduction**

The Promoting Cheltenham Grant Fund 2012 is a pot of funding worth £141,500 to support events, projects and initiatives that will stimulate economic and business growth in Cheltenham.

### **Who can apply**

Any statutory agency, public body, constituted voluntary sector, community or neighbourhood based organisation can apply for a single award typically up to a maximum of £20,000 though larger bids for multiple events may be considered.

Organisations can make more than one grant application, though they will ultimately receive only one.

### **What we are looking to support**

Projects must deliver one or more of the following outcomes and a set of assessment criteria set out on page 3:

- Increased visitor numbers;
- Increased new business investment;
- Increased retention, investment and expansion of existing businesses;
- Increased recognition of the Cheltenham brand on a national/international scale
- The increased recognition, viability and sustainability of local commercial areas

Projects must produce economic outputs which are measurable (e.g. the number of attendees; revenue generated for the organisation, revenue generated for other businesses) but also have lasting economic benefits for Cheltenham and the local community.

Projects can be existing or new, but must go beyond the routine activity of your organisation.

Projects must involve and benefit Cheltenham's community.

Projects must take place in Cheltenham.

### **Making an application**

Please complete all pages of the application form. Incomplete applications will not be considered. We want to encourage applicants to complete their applications on a computer as hand written applications maybe difficult to read. If you require any help with completing the application forms please let us know as soon as possible and we will provide assistance.

Your grant application should also be accompanied by a copy of your last annual accounts (audited where this is a requirement for your organisation) and a copy of your constitution.

Your application must clearly demonstrate the following which will form the basis of the assessment criteria:

- How your project will deliver **one or more** of the five identified outcomes.
- How the **success of your project will be measured** – in what manner the project will produce economic results for Cheltenham and how will this be measured by your organisation.
- Evidence that there is a **need** for your project.
- The degree of **community involvement and support** – how the project will generate excitement and support within the community, or show the potential to create new and lasting economic benefits to Cheltenham.
- The project's **lasting benefits to the community** – once the project's life-span has expired, what continuing benefits are likely to flow from the existence of the project.
- For **projects that will run beyond the initial 12 months**, how the organisation will ensure the sustainability of financial support.
- How your project is **not solely reliant on public funding** – the project budget should illustrate how you plan to raise additional financial support or support in-kind to complement the grant funding from the Council.
- If your project is eligible for other funding, how the *Promoting Cheltenham Grant Fund* will **complement and add value** to those other sources of funds.

### **Possible timescales**

Agreement from Cabinet -**17<sup>th</sup> April**



Grant programme opened – **20<sup>th</sup> April**



Closing date for applications – (+ 10 weeks) **29<sup>th</sup> June**



Assessment panel – **1<sup>st</sup> week in July**



Agreement from Cabinet – **17<sup>th</sup> July**

## Cheltenham Borough Council

**Cabinet – 17 April 2012**

### **Approval of draft "Policy on Measures to Control Street Scene Activities in Cheltenham - Street Trading, Objects on the Highway and Charitable Collections" for consultation**

<b>Accountable member</b>	<b>Cabinet Member Housing and Safety - Councillor Klara Sudbury</b>
<b>Accountable officer</b>	<b>Director of Culture and Wellbeing – Sonia Phillips</b>
<b>Accountable scrutiny committee</b>	<b>Social &amp; Community Overview and Scrutiny Committee</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Council is responsible for the regulation and control of street trading, objects on the highway and charitable collections in the borough.</p> <p>This report seeks approval from Cabinet to approve a revised draft policy for the purpose of consultation.</p>
<b>Recommendations</b>	<b>That Cabinet RESOLVE to approve the draft “Policy on Measures to Control Street Scene Activities in Cheltenham - Street Trading, Objects on the Highway and Charitable Collections” for consultation.</b>

<b>Financial implications</b>	<p>There are no financial implications arising from this report.</p> <p><b>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 26 4125</b></p>
<b>Legal implications</b>	<p>The Council is responsible for the regulation of a number of activities within the borough of Cheltenham. Although there is no statutory requirement to have a policy in place to facilitate the discharge of these functions a policy will assist the Council in fairly and properly exercising its power in relation to determining applications. It will also assist applicants and holders of consents and/or permissions in understanding the procedures adopted by the Council.</p> <p><b>Contact officer: Sarah Farooqi, sarah.farooqi@teWKesbury.gov.uk, 01684 272693</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There is a responsibility to ensure that relevant employees are made aware of any significant changes to the policy.</p> <p><b>Contact officer: Donna Sheffield, donna.sheffield@cheltenham.gov.uk, 01242 77 4972</b></p>
<b>Key risks</b>	<b>As outlined in Appendix 1</b>

<p><b>Corporate and community plan Implications</b></p>	<p><b>Cheltenham is able to recover quickly and strongly from the recession</b></p> <p><b>Attract more visitors and investors to Cheltenham</b></p>
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## 1. Background

- 1.1 Cheltenham Borough Council is responsible for controlling street trading, charitable collections and objects placed on the highway within the borough of Cheltenham.
- 1.2 The legislation covering each of these activities provides the Council with a wide ranging discretion when setting policies for the control of these activities.

### Current Policy

- 1.3 The Council's current policy on the licensing of street activities and objects on the highway was approved by Council on the 27<sup>th</sup> January 1997 and was further reviewed in 1998/99 and amended by Council on the 1<sup>st</sup> March 1999.
- 1.4 A copy of the Council's current policy is attached at **Appendix 2**.

### The Need for Revision

- 1.5 The need to revise the Council's current adopted policy has been driven by a number of factors;
1. The current policy is limited in scope to the town centre without clearly delimiting the town centre. There is therefore a need to extend the scope of the policy to cover the entire borough and secondly to clearly define the town centre.
  2. Despite the fact that the current policy has been in place since 1999 it has been unable to effectively deal with the proliferation of unlicensed 'A' boards in the borough.
  3. The Council's priorities, plans and strategies for the borough have changed since 1999.
  4. There have been changes in law and guidance that need to be reflected in the Council's policies.
  5. The need to have clear and transparent policies governing all street activities and objects on the highway. There has been criticism that the Council's current policies are not sufficiently clear in terms of objectives and principles to be applied when determining applications. This has in the past adversely affected the Council's reputation.
  6. To enable the Council to provide effective control measures to manage all street activities and objects on the highway and to ensure that they meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town.
  7. To implement recommendations made by Cheltenham & Cotswold Audit Partnership. (para 4.4)
- 1.6 **Cabinet is therefore asked to approve the draft policy for the purpose of consultation.**

- 1.7 A copy of the draft policy is attached at **Appendix 3**.

## 2. Street Trading - Background

- 2.1 Cheltenham Borough Council resolved to adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which allowed the Council to control street

trading activities in the borough.

- 2.2 As part of that resolution, all the streets in the borough were designated consent streets which means that no street trading can lawfully take place anywhere in the borough without the Council's consent.

### **Street Trading Draft Policy – Proposed Policy Changes**

- 2.3 A number of changes to the Council's current policy on street trading are proposed in the draft policy. A schedule of the proposed changes is attached at **Appendix 4**.

### **3. Charitable Collections – Background**

- 3.1 Cheltenham Borough Council has responsibility for regulating certain charitable collections in the borough. These are any collections that are charitable in nature taking place on any public road ("street collections") and collections for charity by means of going from house to house ("house to house collections").

- 3.2 Cheltenham is a very popular location and choice for street and house to house collections in particular over the Christmas period and during the Cheltenham Festival when the Council receives significantly more applications than there are collections days available. This has caused the Council particular difficulty especially with regards to determining these applications.

- 3.3 It is important therefore that the Council manages these activities properly to ensure equal access to collection dates but also to ensure that these activities do not obstruct the free passage of the highway, adversely affect the attraction and the shopping experience or adversely affect the Council's reputation.

### **Charitable Collections Draft Policy – Proposed Policy Changes**

- 3.4 A number of changes to the Council's current policy on charitable collections are proposed in the draft policy. A schedule of the proposed changes is attached at **Appendix 4**.

### **4. Objects on the Highway - Background**

- 4.1 Cheltenham Borough Council has entered into an Agency Agreement for the provision of highway services with Gloucestershire County Council which delegated certain powers under the Highways Act to Cheltenham Borough Council.

- 4.2 Certain provisions made under that agreement delegate powers to the Council to licence objects to be placed on the highway. These normally include, although are not limited to, 'A' boards and tables and chairs.

### **Objects on the Highway Draft Policy – Proposed Policy Changes**

- 4.3 A number of changes to the Council's current policy on consent for objects to be placed on the highway are proposed in the draft policy. A schedule of the proposed changes is attached at **Appendix 4**.

- 4.4 Following an internal audit of the Licensing Section in 2011, the audit report made the following recommendations;

1. "The Council needs to finalise and approve a consistent set of policy rules for the granting of all new and existing A-board licenses, so that there is i) no ambiguity and consistent decision making can be effectively, achieved and ii) license fee collection fully reinstated."
2. "In order to reduce approval costs the responsibility for approving new or existing A-board licenses should be delegated to licensing officers on a day to day basis and only referred to

Licensing Committee or Sub Committee on appeal.”

**5. Reasons for recommendations**

**5.1** To ensure that the Council can effectively control street trading, charitable collections and objects placed on the highway within the borough of Cheltenham.

**6. Alternative options considered**

**6.1** Cabinet can resolve that a revision of the Council’s current policy is not necessary although this is not considered a desirable option.

**6.2** Alternatively, Cabinet can resolve to approve the draft policy for consultation subject to any changes it considers necessary. However, a thorough review of the current policy has been undertaken and the proposals in the draft policy are considered the most practical way forward for the Council to control these activities most effectively.

**7. Consultation and feedback**

**7.1** If Cabinet is minded to approve the draft policy, a 12 week consultation will be undertaken in line with Cabinet Office recommendations.

**7.2** In determining the policy, consultation will be undertaken with the following people, bodies and stakeholders:

- Gloucestershire Constabulary
- Gloucestershire Highways
- Gloucestershire Fire & Rescue Service
- Cheltenham Business Partnership
- Charity Commission
- Cheltenham Crime and Disorder Partnership
- Environmental Health Department
- Planning Department
- Members of the Council
- Community Protection Manager
- Integrated Transport & Sustainability
- Cheltenham Borough Council Directors
- Parish Councils & Neighbourhood Groups
- Cheltenham Chamber of Commerce
- Existing Consent Holders
- The public, via the Council’s website

**7.3** A further report will be submitted to Cabinet following the consultation. This report will outline any comments made and any amendments to the draft policy as a result of the consultation.

**7.4** Adoption of the policy will be a function of Council and recommendation to adopt will be sought from Cabinet when the further report is brought back to it post-consultation.

<b>Report author</b>	<b>Contact officer: Louis Krog, <a href="mailto:louis.krog@cheltenham.gov.uk">louis.krog@cheltenham.gov.uk</a>, 01242 77 5004</b>
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<p><b>Appendices</b></p>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Policy for Town Centre Street Activities: Street Trading &amp; Objects on the High way (Revised Version 1999)</li> <li>3. Draft "Policy on Measures to Control Street Scene Activities in Cheltenham - Street Trading, Objects on the Highway and Charitable Collections" (including appendices A to H)</li> <li>4. Schedule of Proposed Policy Changes</li> <li>5. Additional Conditions to be added to the Pool of Standard Conditions that may be imposed for a Street Trading Consent</li> <li>6. Additional Conditions of Permission to place Object(s) on the Highway</li> </ol>
<p><b>Background information</b></p>	<ol style="list-style-type: none"> <li>1. Service Documents</li> <li>2. Policy for Town Centre Street Activities: Street Trading &amp; Objects on the Highway. (Revised Version 1999)</li> <li>3. Internal Audit Report (Final) Licensing 2011-2012 (Final Issue Date: 27/09/2011).</li> </ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	Failure to review the Council's current policy could adversely affect the Council's reputation for the reasons mentioned in the report.	Senior Licensing Officer		2	4	8		Adoption of revised policy.	On adoption	Senior Licensing Officer	
2	Failure to review the Council's current policy could result in the Council being unable to effectively control the activities that fall within the scope of this review.	Senior Licensing Officer		2	4	8		Adoption of revised policy.	On adoption	Senior Licensing Officer	
3	Failure to review the Council's current policy will result in the Council being unable to fully recover its cost of administering and enforcing the activities that fall within the scope of this review.	Senior Licensing Officer		3	5	15		Adoption of revised policy.	On adoption	Senior Licensing Officer	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-4 (4 being the greatest impact)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (6 being most likely)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											





**CHELtenham**  
BOROUGH COUNCIL

**Policy for Town Centre Street Activities:  
Street Trading  
&  
Objects on the High way**

*(Revised Version 1999)*

**The Council's policy on the licensing of street activities and objects is guided by the overall principle that street activities should offer added value to the town centre. It was approved by full Council on 27<sup>th</sup> January 1997 and was further reviewed in 1998/99 and amended by full Council on 1<sup>st</sup> March 1999.**

**This policy has been formulated having regard to the findings of an independent study completed in February 1996 by Donaldsons (Planning and Property**

**Consultants)**

## Street Trading

Street trading is regarded as an acceptable activity in Cheltenham town centre, provided that it is selectively located when it can make a positive contribution to the vitality and viability of the town and does not give rise to problems associated with crime and disorder.

The Council and some retailers and property owners have invested considerable funds in creating the pedestrianised areas of the town centre, specifically to make shopping in Cheltenham safer and more pleasant. The purpose of pedestrianisation is to enhance the shopping streets for the benefit of the pedestrian, and therefore the retailers, not to provide an opportunity for additional commercial activity on-street. Such activity can positively detract from the public's use and enjoyment of the paved space by causing congestion, obstruction and visual intrusion. In addition to this the goods for sale may duplicate and therefore conflict or compete with the trade of established shops. The Council is particularly concerned that the mobility difficulties of the disabled and the visually impaired are not exacerbated by unnecessary obstructions.

Despite this restrictive approach, the Council would not wish to prevent a modest amount of street trading in the pedestrianised areas of a type which could positively enhance the enjoyment of Cheltenham town centre as a tourist and leisure destination. In this respect the Council would consider the sale of flowers, which hold universal appeal because of their colour, fragrance and visual attraction, to be appropriate. Cheltenham does, after all, have a reputation for its gardens and floral displays. Additionally, the sale of ready-to-eat 'treat' foods which are synonymous with holiday periods would also be acceptable. For example, ice-creams during the summer months, and hot chestnuts at Christmas. It is not considered that burgers, hot-dogs and sausages fall into this category, because they are not seasonal. To summarise, it is only the sale of perishable goods of a 'luxury' nature which would be acceptable, and foods must be festive (i.e. appropriate to or characteristic of a holiday) and for consumption on Street. Food which is not clearly synonymous with a holiday period is excluded by the policy.

The Crime and Disorder Act stresses the need for positive action to be taken to combat crime disorder and fear of crime. Therefore, prior to granting any street trading consent the Council will pay particular regard to any potential for crime or disorder arising either directly or indirectly from the consent and will give significant weight to the views of the local police and the Cheltenham Crime & Disorder Partnership in such matters. The police hold the view that time consents for fast food sales contribute towards conditions in which crime and disorder occur and such consents will not normally be granted.

The Council has accepted Donaldson's recommendation that the town centre comprises distinct areas with differing historic and commercial character and varying townscape quality, which should be individually developed and promoted as 'quarters'. An integral part of this concept is the creation of strong links between the 'quarters', to bind them together into a complementary but cohesive whole. Linkages will be forged by land use, townscape, signage, minimising physical barriers and so on. The added interest and activity that street traders and entertainers can offer should also be used to reinforce weak links. In this respect, **the Henrietta Street car park Thursday market in the Lower High Street** is assisting in creating shopper interest at a point where linkage is extremely poor; street traders will be encouraged to participate in and therefore consolidate this weekly market.

The contact is Grenchurch Ltd. on (01451) 832275.

**THE COUNCIL WILL NOT NORMALLY PERMIT STREET TRADING IN THE PIEDESTRIANISED ZONES, EXCEPT:**

- Organised events promoted/supported by the Council, including Christmas;
- Ready-to-eat foods for consumption on-street, provided that it is festive;
- Flowers

**ELSEWHERE, THE COUNCIL WILL NORMALLY ONLY PERMIT APPLICATIONS FOR STREET TRADING CONSENT IN LOCATIONS WHICH PROVIDE A POSITIVE AND PRACTICAL LINKAGE BETWEEN DIFFERENT 'QUARTERS' OF THE TOWN AS IDENTIFIED IN THE DONALDSONS' REPORT**

**IN ALL CASES, CONSENT WILL ONLY BE GIVEN IF THE FOLLOWING DETAILED CRITERIA ARE SATISFIED:**

**1. No street trader may locate in a position which will cause an obstruction to the free flow of pedestrians, or to the access of emergency or service vehicles.**

*• No substantial stall will be permitted close to buildings over 9 metres high, to ensure that emergency vehicles can gain access to building frontages. This restriction applies to items that cannot quickly and easily be moved. -*

*• In the interests of Highway safety, no activity will be permitted within a desirable minimum of 2 metres or an absolute minimum of 1 metre of a kerb, at the Council's discretion.*

*• No activity will be permitted within a desirable 4 metres or an absolute minimum of 2 metres of a shop frontage or doorway, at the Council's discretion in deciding the appropriate distance, the need to ensure swift and safe evacuation will be a prime consideration, having regard also to the volume of people likely to be inside the building.*

**2. To avoid conflict with the commercial interests of retailers whose premises are in the immediate vicinity, their views will be taken fully into account.**

**3. Consents will not be granted for the period of any organised event, for trade which is not part of the programme and where conflict with that event is envisaged.**

**4. The Council must be assured - taking into account the views of the local police and the Cheltenham Crime & Disorder Partnership - that granting the consent will not give rise to problems associated with crime and disorder.**

**5. To protect the attractiveness of the town centre, which has Conservation Area status:**

*• The appearance of a traders business must ideally enhance, or at least not be detrimental TO the street scene. A colour photograph of the business as it would be conducted in the street must be submitted with the application, and precise measurements of height, width and depth. Where the proposed structure has not been constructed, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.*

*• The trading activity must not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. . For example, there must be no litter problem and smells from food sales, or noise from any type of trade, must not be expected to cause nuisance or annoyance.*

**6. Any trading unit must be capable of being easily and conveniently serviced and removed.**

**Note: the Council's standard conditions will be applied to street trading consents and special conditions may be imposed on individual consents.**

There are activities other than trading which seek a street location; the Council has the power to licence the following by issuing an 'Objects on the Highway Consent'.

### **Public Interest and Charity Stalls**

Campaigns by organisations with a public message political and non-political, and without a motive, do not generally conflict with the commercial interests of retailers, and if limited in number will not interfere with their operational requirements. Such activities, while they can be in the public interest, do not of themselves enhance the family shopping environment and could hinder the free flow of shoppers around the pedestrianised zones. Therefore, the overall number allowed in the town centre at any one time will be limited to four and within that overall limit, no more than one in any pedestrianised zone Applications will be dealt with on a first come first served basis, and priority given to local organisations, clubs and charities. Examples of the type of activities seeking consent are the Territorial Army, Higher Education establishments, Voluntary Service Overseas, Home Safety, Healthcare, Greenpeace and Friends of the Earth.

Charity collections by hand-held boxes require a street collection permit and are covered by a separate policy.

Some campaigns involve the use of large special exhibition vehicles such as lorries and buses. Vehicle - based campaigns, and LARGE static displays over 2 square metres, will only be permitted on the Imperial Gardens hardstanding and broadwalk, or the Montpellier Gardens broadwalk, subject to compliance with the Council's 'Land Use Policy for Parks' (approved June 1996). Where vehicle-based displays are for charitable or social interest purposes, an alternative location in the Inner Promenade, in front of the Municipal Offices, may be available. This space is only available for one day at a time, no more frequently than twice per month. A single location in the pedestrianised Promenade has also been identified as being suitable for the occasional static display, provided it is no larger than 7.3 x 3.7 metres (24 x 12 feet), is not vehicle-based, and does not involve a parked vehicle.

### **Tables and Chairs**

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' of Cheltenham because of the added life and vitality this brings to the town centre. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises. In considering such applications the Council will give particular cognisance to the Crime and Disorder Act and its responsibilities there under.

### **Advertising 'A' Boards**

It is accepted that some businesses operate from premises which are not in a prominent location and yet rely in large part on passing trade, and it is appropriate to assist in the promotion and success of those businesses to allow the use of 'A' Boards or similar advertising displays. The council does not, however, want to see a proliferation of such items, and will restrict consent to once per business with a clear need It is not intended that every business in the town centre will be permitted to display an A' Board.

### **Container plant and flower displays**

Some traders wish to use these displays outside their premises in order to make themselves more prominent and eye-catching. The Council has no objection to this in principle because, provided that the display is of an appropriate quality, this practice can positively enhance the appearance of the town centre. Containers must comply with requirements in respect of size and location, to prevent obstruction and danger to pedestrians.

**Goods on the pavement**

Certain traders, particularly grocers and florists, seek to put goods on display outside of their premises. This can enhance the vitality and vibrancy of the town centre, and is generally acceptable provided the display is not too large and the goods are not hazardous to pedestrians. Particularly in the case of trade in fresh food stuffs, a condition will be attached to any consent, placing responsibility on the trader to ensure that pavement is left clean and tidy after each close of trading.

**Entertainment**

Activities involving musical or other entertainment will only fall within this Policy if they include placing of object(s) on the highway. The Council generally su entertainment in the streets of the town centre, insofar as those activities do not cause environmental nuisance, do positively enhance the appearance, interest and ambience of the centre, and do not conflict with the operational issues of retailers. 'Busking' is not in itself a licensable activity; however, the Council also operate a Code of Conduct for buskers and street entertaining.

The following policy was drafted having regard to the mobility difficulties of the disabled and the visually impaired. The policy will be applied in the determination of applications to place an object on the highway.

**Note:** Those applying for a street trading consent do not need to obtain separate consent to place an object on the highway.

**NO OBJECT MAY BE PLACED ON THE HIGHWAY WHICH WOULD CAUSE A HAZARD OR AN OBSTRUCTION TO THE FREE FLOW OF PEDESTRIANS, OR TO ACCESS BY EMERGENCY OR SERVICE VEHICLES OR MAY GIVE RISE TO PROBLEMS ASSOCIATED WITH CRIME AND DISORDER, THEREFORE:**

- *No substantial stand or event will be permitted close to buildings over 9 metres high, to ensure that emergency vehicles can gain access to building frontages. This restriction applies to items that cannot quickly and easily be moved, including all exhibition vehicles, caravans and roundabouts.*
- *No activity will be permitted within a desirable minimum of 2 metres or an absolute minimum of 1 metre of a kerb, at the Council's discretion.*
- *No activity will be permitted within a desirable minimum of 4 metres or an absolute minimum of 2 metres of a shop frontage or doorway, at the Council's discretion. (This does not apply to display goods or tables and chairs associated with adjacent businesses which meet the Council's other - criteria). In deciding the appropriate distance, the need to ensure swift and safe evacuation will be a prime consideration, having regard also to the volume of people likely to be inside the building*
- *No activity will be permitted where the Council- taking into account the views of the local police and the Crime and Disorder Partnership - consider that crime and disorder problems may result.*

**MOTORISED ACTIVITIES WILL NOT NORMALLY BE PERMITTED ON PEDESTRIANISED AREAS BECAUSE OF PROBLEMS OF NOISE, OIL SPILLAGE, FUMES AND THE DANGER TO PEDESTRIANS CAUSED BY POWER CABLES.**

**CONSENT WILL ONLY BE GIVEN if THE FOLLOWING CRITERIA ARE SATISFIED:-**

**1. Consents will not be granted for the period of any organised event, for objects which are not part of the programme and where conflict is envisaged.**

**2. To protect the attractiveness of the town centre, which has Conservation Area status:-**

- The appearance of the 'object' must be ideally enhance, or at least not be detrimental to, the street scene. A colour photograph of the 'object' as it would appear in the street must be submitted with the application, with precise measurements of height, width and depth. Where the proposed structure has not been assembled, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted*
- No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.*

**PROVIDED THAT THEY COMPLY WITH THE FOREGOING, THE FOLLOWING ACTIVITIES REQUIRING AN OBJECT TO BE PLACED ON THE HIGHWAY WILL BE PERMITTED:**

- Charity and public interest campaigns, local interest and club displays, but no more than four, including one in each pedestrianised zone, and provided that the overall display does not occupy an area more than 2sq Vehicle-based campaigns, and static displays over 2 sq.m will only be permitted on a single pitch in the Promenade, on the Imperial Gardens hardstanding and adjacent paths, and on the Montpellier Gardens broadwalk. These locations are identified on an attached plan, and those within the gardens are subject also to the approval of the Special Events Working Party.*
- Tables and chairs for the consumption of food and drink, provided they are in association with a' business operating from nearby premises.*
- One advertising 'A' Board (or similar object, including container plant and flower displays) per business without direct frontage to normal routes of shopping pedestrian flow. Such objects are subject to a maximum width of 60cm in any direction and height of 1 metre and must be of a colour, design, finish and materials which are of a high standard appropriate to the Conservation Area.*
- Container plant and/flower displays immediately outside of business premises which are for decoration only and do not bear any written advertising, subject to a maximum diameter of 45cm. containers must be of a colour design, finish and materials which are of a high standard appropriate to the Conservation Area. Containers must not be positioned further forward than just in front of the principal building line.*
- Goods displayed for sale by retailers outside of their premises, provided those goods would not be hazardous to pedestrians.*
- Street entertainment where the applicant/organiser undertakes to adhere to the Council approved Code of Conduct.*

**Cheltenham Borough Council****Street Trading/Objects on the Highway****Supplementary Policy****1.0 Purpose**

1.1 This document supplements the Council's policy for Town Centre street activities, approved on 27 January, 1997 (amended on 1<sup>st</sup> March, 1999)

**2.0 Scope**

1.2 This supplementary policy applies to the positioning of objects on the highway and street trading activities. It details the Licensing Committee's position regarding the acceptance, consideration and determination of applications.

**3.0 Tables and Chairs**

3.1 With the exception of the pedestrianised area of the High Street between Pittville Street and Winchcombe Street, favourable consideration will be given to applications for the placing of tables and chairs outside the applicant's premises in the Town Centre area subject to sufficient space being present to allow the free-flow of pedestrians to the satisfaction of the Head of Engineering Services.

3.2 Favourable consideration will be given to the placing of tables and chairs outside suitable premises in the centre of the pedestrianised Promenade within the boundary of parallel lines taken from the corner boundaries of the applicants' premises. Subject to:

- No conflict being present to the other users of this area;
- The extent of the area being confirmed as acceptable by the Head of Engineering Services;
- Sufficient space being present outside applicant premises to allow the free flow of pedestrians to the satisfaction of the Head of Engineering Services.

3.3 Permissions for tables and chairs consents will be available on a year round basis.

3.4 Permissions will be subject to conditions as detailed in Appendix B.

3.5 Tables and chairs are to be positioned in areas clearly defined by suitable temporary barriers positioned to the satisfaction of the Head of Engineering Services. The barrier and all furniture shall meet the requirements of the specification which forms part of the conditions subject to which the consent is granted and comply with the council's design guide.

3.6 An applicant will need to satisfy the Committee of a commitment to keeping the highway from being obstructed as a direct or indirect consequence of the tables and chairs being present and that suitable controls to this effect will be in place.

3.7 In considering whether to grant a permission the Committee will have regard to an applicant's previous track record of compliance with the conditions attached to any previous consent he or she may have held.

**4.0 Other Activities in Town Centre Pedestrianised Area**

4.1 Each application will be taken on its merits within the context of existing policy but a flexible and tolerant view be taken in respect of events, promotions and exhibitions which promote the social, economic and environmental well-being of the town.,

4.2 Favourable consideration will be given to a fortnightly farmers' markets promoting local food and drink produce in front of the Long Gardens on The Promenade or other locations which maybe deemed to be suitable for such events.

#### **5.0 A' Boards**

5.1 Under review.

#### **6.0 Applications**

6.1 An application will not be considered unless at least twenty-eight days notice has been given to the Council prior to consideration by the Licensing Committee.

6.2 An application will not be accepted unless it is accompanied by the appropriate fee.

6.3 Late information, or evidence supporting an application or renewal which has not been received at least seven days before the meeting of the Licensing Committee hearing the - application, will not be accepted unless there is a valid and significant reason for the delay and the Licensing Committee agree to accept this as the case. The Licensing Committee, in consultation with their Officers and interested parties, may require an adjournment or take other reasonable steps to ensure that the application is heard properly and fairly.

#### **7.0 Fees**

7.1 A fee will be payable within the provisions of the fees scale determined by the Licensing Committee relevant to the period for which the application relates.

7.2 Where an application is unsuccessful the fee will be returned, less an appropriate administration fee.

7.3 Where advertising of the application is required this will be charged at cost and payable at the time of application. It is non-refundable.



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**CHELTENHAM**  
BOROUGH COUNCIL

**Policy on Measures to Control Street Scene Activities  
in Cheltenham**

*Street Trading, Objects on the Highway and Charitable Collections*

All enquiries should be directed to:-  
Director - Wellbeing and Culture  
Municipal Offices  
Promenade  
CHELTENHAM  
GL50 9SA  
Tel: 01242 262626  
E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
Website: [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing)

This Policy was approved by Full Council on **xx** taking effect on **xx**

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**Policy on Measures to Control Street Scene Activities in Cheltenham**

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# Introduction

## General Information

The aim of this consultation is to detail new procedures and policies that will apply to street trading activities, charitable collections and consent to place objects on the highway across the whole of the borough of Cheltenham and is being circulated for comment.

The reasons for the policy are:

- To have a clear & transparent policy governing all these activities.
- To enable the Council to manage all objects on highway, street trading and charitable collections activities in order to provide effective control measures.
- To ensure that they meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

## Scope

This policy includes measures to control street trading, charitable collections and permission to place objects on the highway.

## Consultation

The consultation will close on xx xxxx xxxx. Council procedure is to allow 12 weeks for a full consultation to take place.

In determining this policy, the Council will consult the following people, bodies and stakeholders:

- Gloucestershire Constabulary
- Gloucestershire Highways
- Gloucestershire Fire & Rescue Service
- Cheltenham Business Partnership
- Charity Commission
- Strategic Leadership Group
- Environmental Health Department
- Planning Department
- Members of the Council
- Community Protection Manager
- Integrated Transport & Sustainability
- Cheltenham Borough Council Directors
- Parish Councils & Neighbourhood Groups
- Cheltenham Chamber of Commerce
- Existing Consent Holders

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### **Crime and Disorder Act 1998**

In considering applications that forms part of this policy, the Council will give particular consideration to Section 17 of the Crime and Disorder Act 1998 and its responsibilities thereunder.

### **Complaints against the Service**

The Council has a corporate complaints procedure, copies of which are available from the Council Offices or on the Council's website [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

### **Social Inclusion/Equalities.**

This policy will be applied in a manner that is consistent with the Council's equalities policies.

### **Implementation and Review**

Cheltenham Borough Council will keep this policy under review and will consult where appropriate on proposed revisions. It will in any event review this policy at least every three years.

**From the date of effect the policy overrides and supersedes all existing policies or arrangement in relation to consent to place an object on the highway, street trading consent and charitable collection permits. Existing consent holders will, upon renewal or when submitting a subsequent application, come under the provisions of this policy.**

### **Enforcement**

The Council will enforce the provisions of this policy inline with its Corporate Enforcement Policy. This policy is accessible on the Council's website.

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## Part 1 - Street Trading

### 1. Framework

#### 1.1 Introduction

This part of the policy sets out how the council will deal with applications for street trading consent in the borough of Cheltenham.

The Council aims to provide a clear and consistent approach to the control of street trading activities whilst at the same time it aims to protect the safety of highway users and to prevent nuisance or annoyance.

#### 1.2 Legislation

Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Cheltenham Borough Council has adopted measures to control street trading in the borough. Every street in the borough has been designated a consent street.

#### 1.3 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of Street Trading the following definitions apply:

The Council:	The Borough Council of Cheltenham
Borough:	The Borough of Cheltenham
Street Trading:	The selling or exposing or offering for sale of any article (including a living thing) in a street; and the supplying of or the offering to supply any service in a street.
Street:	Includes: a) Any road, footway, beach or other area to which the public have access without payment; and b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.  The policy will therefore cover all roads, lay-bys, alleys and car parks whether public or privately owned.
Consent Street:	Means a street in which street trading is prohibited without the consent of the Council.
Consent:	A consent to trade on a street granted by the Council, pursuant to Paragraph 7, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder:	The person or company to whom the consent to trade has been granted by the Council.

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- Authorised Officer: An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
- Town Centre: Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.
- Exempt: The exemptions listed under Paragraph 1, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- Interested Parties: People who live or work in the vicinity to which the application relates and who may be affected by the grant of a consent.

**1.4 Licensing Process & Delegation of Functions**

Applications for street trading consents are delegated to either the Licensing Committee or to Officers.

The delegation will be as follows:

Matter to be dealt with	Delegation
Setting or amending policy	Full Council
Initial Grant/Refuse/Revocation	Licensing Committee
Grant of Unopposed Subsequent Applications	Officers

**2. Application Procedure**

**2.1 Submitting an Application**

All applicants must be 17 years of age or above. An application for consent must be made to the Council in writing.

Application forms:

- may be downloaded from the Council’s website,
- are obtainable from the Council’s Licensing Section during normal office hours, or
- electronic applications can be made through the Council’s website.

The following will be required to be submitted with the application:

- (a) A completed and signed street trading consent application form.
- (b) A scaled plan (Scale 1:1250) that shows where the proposed trading location relation to the extent of any or all boundaries of the nearby buildings, the width of footpath available, any permanent structures and, if applicable, the location of the pitch in relation to the edge of the road. The plan must include all measurements.
- (c) Colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity. (Where the proposed structure has not been constructed, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.)
- (d) The consent application must be accompanied by a non-refundable administration fee (see current fee sheet). If the consent is granted, the consent

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- fee must be paid in full within 5 working days from the date the consent is granted. Failure to pay the remainder of the licence fee within the require timeframe, without prior agreement from the licensing section, will result in an invalid application.
- (e) Insurer's certificate with Public Liability Cover of no less than £5,000,000.
  - (f) Documents to establish your identity such as a originals of a Photo Driving Licence, passport and at least one original proof of address which is recent (no more than three months old) for example a Utility bill (Gas, Electric or similar), Credit card statement, Bank statement, Mortgage statement or Insurance statement.

All applications should be marked for the attention of the Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA.

An application for initial consents should give a minimum of at least 35 working days notice of the application.

## 2.2 Determination of an application

### 2.2.1 Consultation

Before a street trading consent is granted the Council will carry out a consultation process for 14 working days (starting on the working day after the application was submitted to the licensing section) with various persons and groups.

- Gloucestershire Highways
- Environmental Health Department
- Gloucestershire Constabulary
- Cheltenham Business Partnership
- Built Environment
- Civil Enforcement
- Gloucestershire Association for Voluntary and Community Action
- Gloucestershire Fire and Rescue Service (where applicable)
- Any other person(s) or bodies the Council deems relevant

A pale pink notice (see **Appendix H**) must be put on display by the applicant as near as possible to the location of the trading pitch in a prominent position for the duration of the consultation period to give interested parties an opportunity to make comments on the application.

The notice has to be at least A4 size, on pale pink paper, printed legibly in black at font size 16 or larger. It must be capable of being conveniently read by passers by.

Written observations from the above organisations and/or interested parties will be made available for public inspection and taken into consideration when determining an application.

The Committee can grant the application as requested, grant the application subject to a number of conditions or refuse to grant the application.

For information on the committee process, please refer to the Council's adopted probity guide.

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### 2.2.1 Subsequent Applications

Street Trading Consents are issued for a period of up to one year.

As a matter of courtesy, the Council will send reminder letters to existing licence holders reminding them to submit subsequent applications. However, the responsibility to submit subsequent applications on time remains the responsibility of the licence holder.

Applicants should re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent.

### 2.2.2 Variation of Consent

There is no provision for a variation of a consent once issued. If an applicant wishes to vary any part of their consent, a new application will be required in accordance with the requirements set out above.

### 2.2.3 Grant

It will be a condition of every consent that a street trading licence plate must be attached to every trading pitch, vehicle or other trading object. The licence plate will outline information relating to the individual consent such as consent number, expiry date, hours of trading and items to be sold.

The purpose of these licence plates is to easily identify licensed traders so to ensure effective enforcement and to ensure reassurance to members of the public.

## 3. Policy Principles, Aims & Objectives

This section outlines the policies the council will apply when making decisions on applications for consents.

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

In particular the policy aims to promote the following aims and objectives in reference to street trading activities:

- To have a clear & transparent policy governing street trading activities in the Borough.
- To enable the Council to manage all street trading activities in order to provide effective control measures.
- To ensure that all street trading activities meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town as a tourist and leisure destination, and is in keeping with the streetscape.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

### 3.1 Site Assessment

Consent from static locations will not normally be granted where:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site,



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- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes,
- There is a conflict with Traffic Orders such as waiting restrictions,
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes,
- The site does not allow the consent holder, staff and customers to park in a safe manner,
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

### 3.2 Inspection of the Street Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity may be subject to an inspection by an authorised officer of the Council, prior to the issue of any street trading consent, where this is reasonably practicable. The unit to be used for the street trading activity shall be of a sufficient standard and shall comply in all respects with any legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with all current legislation covering Food Safety (including hygiene), Health and Safety and Environmental Protection.

### 3.3 Public Safety

In the interests of Highway safety, no activity will be permitted within a minimum of 2 metres of a kerb.

### 3.4 Conservation Areas

The scope of this part of the policy covers the entire borough. However, the Town Centre, amongst a number of other areas in the borough, has conservation area status and as a result the Council will adopt a more restrictive approach to applications for these areas in particular. A map outlining the areas in the borough that has conservation area status can be found on the council's website at <http://www.cheltenham.gov.uk/maps>.

#### 3.4.1 Town Centre

Despite this, the Council would not wish to prevent a modest amount of street trading in the pedestrianised areas of the town centre of a type which could positively enhance the enjoyment of the town centre as a tourist and leisure destination. Street trading will generally be permitted in the town centre where it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape.

The appearance of a trader's business must enhance, or at least not be detrimental, to the street scene.

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## Part 2 – Charitable Collections

### Introduction

This part of the policy document forms the Council's charitable collections policy that will apply to Street, House to House & Direct Debit Collection activities in the borough of Cheltenham to ensure consistency in decision making.

## Part 2A - Street Collections

### 1. Framework

#### 1.1 Definitions of terms used in this Part

Within this part the following definitions apply:

The Council:	Cheltenham Borough Council
Borough:	The Borough of Cheltenham
Permit:	Street Collection Permit
Charity:	Is any organisation or body that a) is established for charitable purposes only, and b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.
Charitable purpose:	Means any charitable, benevolent or philanthropic purpose that includes the following a) the prevention or relief of poverty; b) the advancement of education; c) the advancement of religion d) the advancement of health or the saving of lives; e) the advancement of citizenship or community development; f) the advancement of the arts, culture, heritage or science; g) the advancement of amateur sport; h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity; i) the advancement of environmental protection or improvement; j) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; k) the advancement of animal welfare; l) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.

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Promoter(s):	a person or organisation who causes others to act as collectors.
Collection:	a collection of money or a sale of articles for the benefit of Charitable or other purposes.
Local Charity:	Charities whose head office is based in the borough and the beneficiaries of these charities are mainly based within the borough.
National Charity:	Charities that are registered to operate throughout England and Wales as defined in its governing document regardless of whether the charity has a local office.
Town Centre:	Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2006.

**1.2 Legislation**

The licensing of street collections is regulated by the Charities Act 2006 which regulates collections of money or sales of articles for charitable or other purposes in streets and public places. The Police, Factories, & c. (Miscellaneous Provisions) Act 1916 gives District Councils powers to write regulations and policies to control street collections.

The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a permit. It is a criminal offence to conduct a collection in any street or public place within the borough without first obtaining such a permit from the Council.

**1.3 Delegations**

The Council has delegated to its officers the authority to consider and determine applications for permits, subject to the criteria set out in the regulations and in this policy document, including any representation received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.

The delegation will be as follows:

<b>Matter to be dealt with</b>	<b>Delegation</b>
Setting or amending policy	Full Council
Grant/refuse/revocation of a consent	Officers

Please note that an officer from the Council can refer an application to the relevant committee at any time for determination.

**2. Application Procedure**

**2.1 Submitting an Application**

An application for a permit must be made to the Council in writing on the prescribed application form provided no later than 2 weeks before the proposed collection date.

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Permit application forms:

- may be downloaded from the Council's website,
- are obtainable from the Council's Licensing Section, or
- electronic applications can be made through the council's website.

The following will be required to be submitted with the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than within the borough's area);
- (c) a copy of the organisation's most recently audited accounts;
- (d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Council;
- (e) for transitory collections, details of the proposed routes must be provided with the application; and
- (f) statement of due diligence.

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

### 2.2 Determination of application

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.

The Council reserves the right to make more detailed enquiries about an applicant and the proposed collection in certain circumstances.

Enquiries may be made to Gloucestershire Constabulary and/or the Charity Commission for comment/investigation prior to consideration.

The Council may also consult with other council departments. Where the application for a permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place, permission should be sought in advance from the relevant authority.

There are no statutory grounds for refusing an application for permits. However, the Council will refuse the application if it considers that the collections:

1. Are not for "charitable or other purposes", and/or
2. Contravene the provisions of the Street Collection legislation and regulations.

In addition, the Council can refuse any application for any of the following reasons:

1. To limit the number of collections,

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2. If too high a proportion of the proceeds is likely to be spent on expenses,
3. If inaccurate information was provided on the licence application,
4. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.
5. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised.

#### **2.2.1 Issued Permit**

Where an application is made for a collection on behalf of a charity, the Council will send a copy of the issued permit to the benefiting charity for their information and to make them aware of the application and collection.

#### **2.2.2 Form of Statement>Returns Form**

Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to apply may prejudice any future applications.

### **3. Policy Principles, Aims and Objectives**

This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied and where and how often an organisation may make a street collection in the borough.

In particular the policy aims to promote the following aims and objectives in reference to charitable collections:

- To have a clear & transparent policy governing charitable collections in the Borough.
- To enable the Council to effectively regulate all charitable collections.
- To ensure that collections are genuinely charitable/not for profit in nature.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

#### **3.1 Allocation of street collection days**

Priority will be given to applications falling within the following categories and in the order of priority:

1. Charities who have not received permits in the previous year.
2. Local Charities as opposed to National Charities.

The above is subject to the special arrangement that apply to Christmas collections (3.4), Cheltenham Hunt Festival collections (3.5), collections on behalf of national charities (3.6) and organisations will be allowed a permit every year (see below).

The Council operates a diary booking system on a "first come first served" basis for the allocation of street collection date(s) in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable

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organisation's preferred date(s) will be allocated to that organisation. Where an organisation's preferred date(s) cannot be granted, alternative dates may be suggested where practicable.

The Council will normally only permit a maximum of one collection in the town centre per day although collection applications for other areas in the Borough away from the Town Centre will be considered at the Council's discretion.

#### **3.2 Transitory Collections**

Transitory collections, i.e. those whose collections pass through the Borough, will be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.

#### **3.3 Emergency & Special Collections**

In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Council.

#### **3.4 Christmas Town Centre Street Collections**

In addition to the requirements set out above, the Council will specify additional requirements for collection applications for the months of November (from the 15<sup>th</sup> onwards) and December ("Christmas collections") in the town centre.

The Council will not accept applications for Christmas collections until the first week of September every year.

In order to permit as many Christmas collections as possible, the Council will allocate applicants either a morning slot (8am to 1pm) or an afternoon slot (1pm to 5pm).

Officers will submit a report to the Council's Licensing Committee with proposed allocation for Christmas collections in November every year. The Committee may approve the proposed allocation of dates or make any amendments it considers necessary.

Applicants will be notified of the Committee's decision within 5 working days and issued with a collection permit if they were successful.

Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

Collection applications for other areas in the Borough over December, away from the town centre, will be considered on merits and at the Council's discretion.

#### **3.5 Cheltenham Hunt Festival Collections**

In addition to the requirements set out above, the Council will also specify additional requirements for collection applications for March every year during the Cheltenham Hunt Festival ("Race week collections").

The Council will not accept applications for Race week collections until the first week of October every year.

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Where there is a conflict of dates, times or locations, Officers may submit a report to the Council's Licensing Committee with proposed allocation for Race week collections in December every year.

Applicants will be notified of the Committee's decision within 5 working days and issued with a collection permit if they were successful.

Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

Preference will be given to charities/organisations that have not received permits in the previous year.

Collection applications for other areas in the Borough over Race week, away from the Town Centre, will be considered at the Council's discretion.

### **3.6 Collections on behalf of National Charities**

The Council recognises that in certain cases a number of different individuals may want to have a collection for the same charity throughout any calendar year year. These are normally national charities such as Help for Heroes, Children in Need, Comic Relief etc.

In cases like these the Council will not limit collections based on the charity benefiting from the collection (in accordance with 3.1 above). Instead individual promoters or collectors will only be permitted one collection per calendar year for each benefiting charity.

### **3.7 Animals**

The use of animals in conjunction with street collections is discouraged and will only be permitted in conjunction with animal charities.

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## Part 2B - House to House Collections

### 1. Framework

#### 1.1 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of House to House Collections, the following definitions apply:

Permit:	House to House Collection Permit
Collection:	An appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property and the word "collector" shall be construed accordingly.
The Council:	Cheltenham Borough Council
Borough:	The Borough of Cheltenham
Charity:	Means any organisation or body that a) is established for charitable purposes only, and b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.
Charitable purpose:	Means any charitable, benevolent or philanthropic purpose that includes the following a) the prevention or relief of poverty; b) the advancement of education; c) the advancement of religion d) the advancement of health or the saving of lives; e) the advancement of citizenship or community development; f) the advancement of the arts, culture, heritage or science; g) the advancement of amateur sport; h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity; i) the advancement of environmental protection or improvement; l) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; k) the advancement of animal welfare; n) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.
Promoter(s):	a person or organisation who causes others to act as collectors.



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Town Centre: Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.

**1.2 Legislation**

House to House Collections are regulated by the House Collections Act 1939 and the House to House Collections Regulations 1947.

**1.3 Delegations**

The Council has delegated to its officers the authority to consider and determine applications for permits, subject to the criteria set out in the regulations and in this policy document, including any representation received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.

The delegation will be as follows:

<b>Matter to be dealt with</b>	<b>Delegation</b>
Setting or amending policy	Full Council
Grant/refusal/revocation of a consent	Officers

Please note that an officer from the Council can refer an application to the relevant committee at any time for determination.

**2. Application Procedure**

**2.1 Submitting an Application**

An application for a permit must be made to the Council in writing on the prescribed application form provided not later than two weeks before the proposed collection date.

Permit application forms:

1. may be downloaded from the Council’s website,
2. are obtainable from the Council’s Licensing Section, or
3. electronic applications can be made through the Council’s website.

The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a permit, it needs to have as much information as possible about the charity, its promoters and collectors.

The following will be required to be submitted with the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than within the borough’s area);
- (c) a copy of the organisation’s most recently audited accounts;
- (d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Council;
- (e) statement of due diligence.

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### 2.2 Determination of application

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

#### 2.2.1 Issued Permit

Where an application is made for a collection on behalf of a charity, the Council will send a copy of the issued permit to the benefiting charity for their information and to make them aware of the application and collection.

#### 2.2.2 Exemptions

Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain permits from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.

If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a permit from the Licensing Authority is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such Certificate.

Charities that benefit from a national exemption order made by the Secretary of State, although not needing a permit from the Council, still have to notify the Council when they are going to fundraise in the borough.

## 3. Policy Principles

This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied and where and how often an organisation may make a street collection in the borough.

In particular the policy aims to promote the following aims and objectives in reference to charitable collections:

- To have a clear & transparent policy governing charitable collections in the Borough.
- To enable the Council to effectively regulate all charitable collections.
- To ensure that collections are genuinely charitable/not for profit in nature.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

### 3.1 Permitted Duration and Frequency of Collections

The Council will restrict the frequency and period collections can take place in the Borough.

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A collection can only run for a maximum period of one month. Only two collections are permitted annually in the Borough for each charity.

If an application is made for a period in excess of the maximum period permitted above, the application will be returned to the applicant as invalid.

An amended application can be submitted for reconsideration.

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**Part 2C - Direct Debits**

Collections made by means of visits from house to house are governed by the House to House collections Act, 1939, and the House to House collections Regulations, 1947 (as amended). The legal definition of 'collection' is an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property. This means that any person or organisation who wish to do house to house direct debit fundraising will need to obtain a permit. The term 'house' also includes a place of business.

Other than house to house direct debit fundraising, the Council does not control collections anywhere else where pledges are collected for direct debit donations because they do not collect actual money and there are no legal provisions for collections of this type at present.

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## Part 3 – Objects on the Highway

### 1. Framework

#### 1.1 Introduction

This part of the policy sets out the framework for decisions making and associated processes when administering applications relating to permission to place objects on the highway.

It is to ensure the safety of all users of the public highway by the management of temporary obstructions, which can be placed on the pavement or carriageway. This policy will allow the pavement to be used for such purposes, support businesses and allow the safe and free movement of all users of the highway.

#### 1.2 Legislation

Consent for objects to be placed on the highway is controlled in accordance with the provisions contained in the Highways Act 1980.

#### 1.3 Scope

This policy covers non-fixed or temporary objects that obstruct the footway or carriageway. It does not include objects placed on private forecourts or within trading pitches that are regulated by the Street Trading legislation.

Cheltenham Borough Council has entered into agreement with Gloucestershire County Council to control objects placed on the highway in the Borough. Under this agreement, Cheltenham Borough Council is empowered to control, amongst others, the provision of amenities on the highways as specified under Part VIIA of the Highways Act 1980.

Consent for certain objects/structures to be placed on the highway remains the responsibility of Gloucestershire County Council such as skips and scaffolding and does therefore not fall within the scope of this policy.

#### 1.4 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of Objects on the Highway the following definitions apply:

Highway:	A highway shall be understood to mean all roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance.
Object(s):	Includes any or all of the objects that is covered in the scope of this policy.
Consent:	Objects on the Highway Consent.

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The Council: The Borough Council of Cheltenham

Town Centre: Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.

Local Charity: Charities whose head office is based in the borough and the beneficiaries of this charity are mainly based within the borough.

Town: The Borough of Cheltenham.

**1.5 Licensing Process & Delegation of Functions**

Applications for consent are delegated to either the Licensing Committee or licensing officers.

The delegation will be as follows:

Matter to be dealt with	Delegation
Setting or amending policy	Full Council
Grant (where an application conforms to policy)	Officers
Grant (where an application does not conform to policy or opposed applications)/revocation	Licensing Committee

Please note that an officer from the Council can refer an application to the relevant committee at any time for determination.

**2. Application Procedure**

**2.1 Submitting an Application**

An applicant for an initial new consent should give a minimum of at least 35 working days notice of the application.

When an application is received it is initially checked to see if all of the relevant information required is complete and all support documentation has been submitted.

Application forms:

- may be downloaded from the Council’s website,
- are obtainable from the Council’s Licensing Section during normal office hours, or
- electronic applications can be made through the Council’s website.

Written applications should be marked for the attention of Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA.

The following will be required to be submitted with the application:

- (a) A completed and signed application form.
- (b) A scaled (1:1250) plan that shows where the proposed trading location relation to the extent of any or all boundaries of the nearby buildings, the width of footpath available, any permanent structures and, if applicable, the location of the pitch in relation to the edge of the road. The plan must include all measurements.

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- (c) Colour photographs of the proposed object (Where the proposed object has not been constructed or purchased, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.)
- (d) A non-refundable administration fee (see current fee sheet). If the consent is granted, the consent fee must be paid in full within 5 working days from the date the consent is granted. Failure to pay the remainder of the licence fee within the require timeframe, without prior agreement from the licensing section, will result in an invalid application.
- (e) Insurer's certificate with Public Liability Cover of no less than £5,000,000.

Applicants who submit an incomplete application will be contacted and informed of this and the application may be returned to the applicant for resubmission.

## 2.2 Determination of application

### 2.2.1 Consultation

Before a consent is granted the Council will carry out a consultation process for 14 working days (starting on the working day after the application was submitted to the licensing section) with various persons and groups. The Council reserves the right to extend this period if there is reasonable cause to do so. In particular the Council may consult with any or all of the following organisations or persons:

- (a) Gloucestershire Highways
- (b) Environmental Health Department
- (c) Gloucestershire Constabulary
- (d) Cheltenham Business Partnership
- (e) Built Environment
- (f) Civil Enforcement
- (g) Gloucestershire Association for Voluntary and Community Action
- (h) Gloucestershire Fire and Rescue Service (where applicable)
- (i) Any other person(s) or bodies the Council deems relevant

A pale pink notice (see **Appendix H**) must be put on display by the applicant in the window of the premises the application relates or as near as possible to the location of the proposed structure in a prominent position for the duration of the consultation period to give interested parties who may be affected by the application opportunity to make comments on the application.

The notice has to be at least A4 size, printed legibly in black at font size 16 or larger. It must be capable of being conveniently read by passers by.

Written observations from the above organisations and interested parties will be made available for public inspection and taken into consideration when determining an application.

In relation to the above, consideration will be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

Where valid objections have been made, the application may be referred to the Council's Licensing Committee for determination in accordance with the table of delegation above.

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When applications are referred to the Committee it can grant the application as requested, grant the application subject to a number of conditions or refuse to grant the application.

For information on the committee process, please refer to the Council's adopted probity guide.

Consents will be issued with an attached plan outlining in red the exact position of the object.

#### **2.2.2 Subsequent Applications**

Consents are issued for a period of up to one year. Applicants should re-submit a subsequent application if they wish to continue to place the object on the highway at least one month before the expiry of their current consent.

As a matter of courtesy, the Council will send reminder letters to licence holders reminding them to submit subsequent applications. However, the responsibility to submit subsequent applications on time remains the responsibility of the licence holder.

At this time, further consultation may take place to determine if the object is a cause for concern.

### **3. Policy Principles, Aims and Objectives**

This section outlines the policies the council will apply when making decisions on applications for consents.

In particular, this part of the policy will aim to promote the following aims and objectives:

- To have a clear & transparent policy governing all decisions relating to objects placed on the highway.
- To enable the Council to manage all objects placed on the highway in order to provide effective control measures.
- To ensure that all objects placed on the highway meet the required quality standards, pose no risk to public health, safety & protection and to ensure that these objects do not obstruct the highway.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

#### **3.1 General**

Each application is assessed against the outlined conditions included in the application pack and this policy.

No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.

Applications will be dealt with on a first come first served basis.

Any object given consent to be placed on the highway must be sufficiently weighed down or secured to ensure that the object will not cause any harm or damage.



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### 3.2 Public Highway and Private Land

The Council is responsible for controlling certain objects/structures that are placed on a public highway.

At common law, a highway is defined to mean all roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements *over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance.*

Where such uncertainty exist, the test whether an object/structure is placed on a highway (as opposed to private land) is whether there is a public right of passage where, at any time, members of the public can freely and at their will to pass and repass without let or hindrance, whether they do so or not is immaterial.

Therefore, if the proposed location is an area where any member of the public can pass over without hindrance, that area is likely to be considered highway and will for that reason fall within the Council's authority.

In light of the above and for the purpose of licensing objects/structures on the highway under the Highways Act, it is also immaterial whether the particular location is designated as private on, for example, a lease, whether the particular highway is privately maintained or situated under an overhang etc.

The only exception would be areas where that particular location has been designated as private under the Highways Act and the appropriate signage is on display.

A highway can be maintained either at the expense of the taxpayer or privately. Where the highway in question is privately maintained, the Council will not charge a consent fee although the non-refundable application fee will still apply.

Each situation will be determined on individual merits and this policy does not seek to provide an exhaustive list of areas and roads that are privately maintained public highway or private. However, it may be helpful to applicants to be aware of any such areas in the town centre for the purpose of clarity;

1. The Brewery Complex – Designated as private under the Highways Act
2. Montpellier Walk - Privately Maintained Public Highway
3. Rotunda Terrace - Privately Maintained Public Highway
4. The Courtyard - Privately Maintained Public Highway

The licensing section has access to the county's highway register and can advise on the status of any highway.

### 3.3 'A' Boards

In setting the policy principles relating to 'A' boards, the Council seeks to strike a balanced approach between promoting the Council's priorities, in particular strengthening the borough's economy by assisting and promoting local businesses but at the same time ensure the free passage along footpaths and maintaining the visual street environment by the controlled use of 'A' boards in the streets.

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To this end the Council will permit one 'A' board per premises subject to that premises meeting all of the conditions stipulated below. Please note that one 'A' board will be permitted *per premises* not business. Premises housing more than one business will therefore, subject to the below, be permitted only one 'A' board. In these circumstances the Council will encourage businesses to share the use of the 'A' board.

#### Conditions of Consent

- (a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
- (b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 meters (either way) between 'A' boards.
- (c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.
- (d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.
- (e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*
- (f) The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- (g) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*
- (h) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the 'A' board has been sufficiently weighed down and the Council reserves the right to inspect the 'A' board prior to issuing a consent.)*
- (i) The 'A' board must relate to the trade of the premises.
- (j) The 'A' board must be constructed in such a way that it does not have any moving parts *(i.e. rotating or swinging 'A' boards)*.
- (k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

#### 3.3.3 'A' board - Other

'A' boards with consent will be issued with a "consent badge" that must be attached to the 'A' board in order to identify that it has consent. The badge will show the consent number, location, size and expiry date of the 'A' board. It will be a condition of the consent that the badge will be securely affixed to the 'A' board and be displayed at all times to enable enforcement officers and members of the public to easily identify consent 'A' boards.

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### 3.4 Tables & Chairs

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.

Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.

For health and safety reasons, the Council will not permit glass top tables.

Where consent has been issued for tables and chairs to be placed on the highway the Council may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers. This is subject to the provisions of this policy, that the additional objects have been listed on the application form and indicated on the supporting documents, where applicable.

### 3.5 Vehicles

Some campaigns involve the use of special exhibition vehicles. The following spaces have been identified as being suitable for occasional static vehicle based displays at the discretion of the Council and subject to the conditions contained in this policy:

- (a) One space outside 173 - 181 High Street for displays no larger than 2.5m x 5m (8ft x 16ft)
- (b) One space outside 111 - 113 High Street for displays no larger than 2.5m x 5m (8ft x 16ft)
- (c) One space on the corner of Crescent Terrace and the widened area on the pedestrianised area of the Promenade for vehicles no larger than 3m x 5m (10ft x 16ft).

Other than on allocated locations, campaigns involving exhibition vehicles will not normally be permitted on pedestrianised areas.

To ensure that the highway is adequately protected against damage, it will be a condition of any consent that involves the use of vehicles displays on the highway that drip trays must be provided for each and every vehicle.

### 3.6 Other Objects

Objects not specifically referenced in this policy will be dealt with on individual merits.

### 3.7 Goods displayed on the pavement

Certain traders, particularly grocers and florists, seek to put goods on display outside of their premises. This can enhance the vitality and vibrancy of the town, and is generally acceptable by virtue of Paragraph 1(2)(e)(ii), Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 provided that:

- (a) The object/structure is placed directly outside, and only directly outside, the front of the premises in question,

**Appendix 3**

- (b) The goods on display forms part of the business of the premises;
- (c) The object/structure does not obstruct the highway,
- (d) The pavement is left clean and tidy after each close of trading.

**Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents**

**Pool of Standard Conditions that may be imposed.**

Failure of any one or more of the imposed conditions is a breach of the consent and can lead to the consent being immediately revoked.

**Conditions of Street Trading Consent**

**1. Definitions**

- 1.1 Consent means this Street Trading Consent issued pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 Consent Holder means the person named in this Consent and for the purposes of enforcing these conditions includes any other person engaged by them to assist in trading (including any Nominated Assistant(s) named in this Consent).
- 1.3 Council means Cheltenham Borough Council.
- 1.4 Site means the site identified in this Consent.
- 1.5 Unit means the unit described in this Consent.

**2. Obligations on the Consent holder**

- 2.1 Not to use the Site for any purpose other than that of the operation of the Unit.
- 2.2 Not to sell any type of merchandise other than that specified in this Consent.
- 2.3 Not to trade or operate the Unit in such a way as to cause obstruction of the Street or danger or annoyance to persons using the Street.
- 2.4 Not to use any amplifiers or music or partake in or authorise any other activity so as to cause a nuisance to the general public or occupiers of premises in the neighbourhood of the Site.
- 2.5 To ensure that the Unit is securely erected and that such material and design and so constructed and maintained that it is not liable to cause injury to any person present on the Site or otherwise.
- 2.6 Not to trade outside the times and dates permitted by this Consent.
- 2.7 Not to trade in other streets or at other locations than those permitted by this Consent.
- 2.8 To pay to the Council the cost of making good any damage which may be caused to the Site in consequence of the Consent Holder's operations thereon.
- 2.9 To keep the Site in a clean and tidy condition and to pay to the Council the cost of carrying out any works including cleansing of the highway that is required due to the Consent Holder's use of the Site.
- 2.10 To observe all statutory and other provisions and regulations for the time being in force which relate to the Consent Holder's use of the Site.

**Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents**

- 2.11 So far as is reasonable to ensure that patrons or customers of the Consent Holder conduct themselves in an orderly manner.
- 2.12 Where the Consent relates to the sale of food for consumption on street to provide and maintain an adequate refuse receptacle and ensure that it does not become overfilled.
- 2.13 To ensure that the use and storage of liquid petroleum gas complies with any relevant Code of Practice.
- 2.14 To ensure that the dimensions and appearance of the Unit at all times accord with the details agreed by the Council upon the issue of this Consent.
- 2.15 To maintain the Unit in a clean and tidy condition.
- 2.16 To indemnify the Council from all claims, damages and costs in respect of all accidents damages and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability.
- 2.17 At all times while trading to display in a conspicuous position on the Unit the street trading permit issued by the Council.
- 2.18 To forthwith inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of Nominated Assistants) or the sale or transfer of the Consent Holder's business to another party.
- 2.19 The Council's Street Trading Consent Notice shall be conspicuously displayed on the stall, barrow, cart etc, to which the Consent applies, so that it is clearly visible to the public.
- 2.20 The Consent Holder(s) shall notify the Council's Licensing Section within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the Consent.
- 2.21 If trading is to take place on private land, the trader must have written permission from the Land Owner that trading can take place.

**3. Further conditions**

- 3.1 The only vehicular access to and egress from the Site shall be as agreed by the Council's Integrated Transport Unit and the said access shall be kept free from obstruction at all times.
- 3.2 Nothing contained in this Consent shall be deemed to be a consent or approval of the Council in its capacity as authority for enforcing bylaws or as local planning authority, health or highway authority or in any other capacity.
- 3.3 The Council may revoke or suspend this Consent at any time in the event of:

**Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents**

- 3.3.1 The breach by the Consent Holder their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or
- 3.3.2 Work being carried out in, under or over the highway on which the Unit is located; or
- 3.3.3 A change in Council Policy which necessitates termination of this Consent; or
- 3.3.4 Circumstances outside the Council's control which necessitate termination of this Consent forthwith.
  
- 3.4 The Consent Holder may surrender this Consent by giving notice in writing to the Council.
  
- 3.5 In the event of the Consent Holder selling or transferring the trade or business of which the Unit is a part to another party this Consent will cease to have effect and cannot be relied upon by the transferee or acquiring party.
  
- 3.6 The Council may vary the Conditions of this Consent at any time.
  
- 3.7 The Council shall be under no obligation to renew this Consent at the end of the period stated herein.
  
- 3.8 Goods may not be of an inflammable, corrosive or otherwise dangerous nature.
  
- 3.9 The trader will be responsible for cleansing of the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.
  
- 3.10 The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
  
- 3.11 Traders selling food products, shall comply with the provisions of the Food Safety Act 1990 (Amendment) Regulations 2004, General Food Regulations 2004, Regulations (EC) No. 178/2002, 852/2004, 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006
  
- 3.12 Liquefied Petroleum Gas shall not be used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
  
- 3.13 No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that: - they do not present a danger to the public do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not cause any noise or fume nuisance.

**Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents**

- 3.14 A competent person must install all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.
- 3.15 No combustible materials are to be stored in the vicinity of a generator and suitable first aid fire fighting appliance(s) must be immediately available.
- 3.16 The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
- 3.17 All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
- 3.18 All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported.
- 3.19 All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them, they must be fitted with rubber cable protecting mats.
- 3.20 Each consent holder must ensure that their street trading licence plate is clearly attached to their pitch, vehicle or trading object at all times when they are trading.

Draft for Consultation



**Appendix B – Special Conditions for Mobile Ice Cream Traders**

**SPECIAL CONDITIONS FOR MOBILE ICE CREAM TRADERS**

Trading prohibited in the following streets or parts of streets:

- (a) High Street (from Sandford Park entrance to Townsend Street)
- (b) Promenade (from High Street to Montpellier Walk)
- (c) Clarence Street
- (d) North Street
- (e) Pittville Street
- (f) Regent Street
- (g) Rodney Road
- (h) Winchcombe Street (from High Street to Warwick Place)
- (i) Imperial Square
- (j) Montpellier Walk
- (k) Montpellier Street
- (l) Warden Hill Road (within 100 metres of frontage to Bournside School), both sides of the road in any direction, except in the lay- by opposite to number 89, during the period half an hour before school opening to 1 hour after closing during school terms).
- (m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times).
- (n) Evesham Road and roads adjacent to Pittville Park.

2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

3. The consent holder shall not, without the prior permission of the Council, trade in any particular location for more than 30 minutes at any one time and shall not return to that particular location, or any position in the immediate vicinity thereof (which expression shall be as interpreted by the Council), within 2 hours of leaving it.

4. The consent holder shall comply with all traffic regulations rules orders and directions which apply to the public highways on which he trades.

5. The consent holder is required to comply with the Code of Practice on Noise from Ice Cream Van Chimes, etc. 1982 or any modification or re-enactment thereof. (summary attached).

Appendix C – Summary of the Code of Practice on Noise from Ice Cream Seller

**CHEL TENHAM BOROUGH COUNCIL**  
**SUMMARY OF THE CODE OF PRACTICE ON NOISE**  
**FROM ICE CREAM TRADERS**  
**MECHANICALLY PROPELLED VEHICLE**  
**CHIMES, ETC. 1982**

It is an offence to sound your chimes before 12 noon or after 7.00 p.m. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. The main points of the Code of Practice approved by the Government on methods of minimising annoyance caused by your chimes are as follows:

**DO NOT SOUND CHIMES**

1. For longer than 4 seconds at a time;
2. More often than once every 3 minutes;
3. When the vehicle is stationary;
4. Except on approach to a selling point;
5. When in sight of another vehicle which is trading;
6. When within 50 metres of Schools (during School hours), Hospitals and places of Worship (on Sundays and other recognised days of Worship);
7. More often than once in every 2 hours in the same length of street;
8. Louder than 80 dB(A) at 7.5 metres;
9. As loudly in quiet areas or narrow streets as elsewhere.

**Appendix D – Street Collection Regulations**

**STREET COLLECTION REGULATIONS**

1. In these Regulations, unless the context otherwise requires –
  - “collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;
  - “promoter” means a person who causes others to act as collectors;
  - “the licensing authority” means Cheltenham Borough Council;
  - “permit” means a permit for a collection;
  - “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
  - “collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection shall be made in any street or public place within Cheltenham, unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than 2 weeks before the date on which it is proposed to make the collection. The licensing authority may reduce the period if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. No person may assist or take part in any collection without the written authority of a promoter.

Any person authorised under the above paragraph shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting –
  - (a) a collector shall remain stationary; and

**Appendix D – Street Collection Regulations**

- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

The licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

- 11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
- 12.
  - (1) Every collector shall carry a collecting box.
  - (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them from being opened without the seal being broken.
  - (3) All money received by a collector from contributions shall immediately be placed in a collecting box.
  - (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
- 13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon, the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
- 14.
  - (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
  - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
  - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
- 15.
  - (1) No payment shall be made to any collector.
  - (2) No payment shall be made out of the proceeds of a collection, whether directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
- 16.
  - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority –
    - (a) a statement in the form set out in the Schedule of these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
    - (b) a list of the collectors;
    - (c) a list of the amounts contained in each collecting box; and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.
  - (2) The licensing authority may, if satisfied, there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

**Appendix D – Street Collection Regulations**

- (3) For the purposes of this Regulations “a qualified accountant” means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;  
The Institute of Chartered Accountants of Scotland;  
The Institute of Chartered Accountants in Ireland;  
The Association of Certified Accountants.

17. These Regulations shall not apply –
- (a) in respect of a collection taken at a meeting in the open air; or
  - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
18. Any person who acts in contravention of any of these regulations, shall be liable on summary conviction to a fine not exceeding level 1, or in the case of a second or subsequent offence not exceeding level 2.

Draft for Consultation

Appendix E – House to House Regulations

**HOUSE to HOUSE COLLECTIONS REGULATIONS**

House to House Collections Act. 1939

House to House Collection Regulations, 1947

**Responsibility of promoters as respects collectors**

1. Every promoter of a collection shall exercise all due diligence to:
  - a) Secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
  - b) Secure compliance on the part of persons so authorised with the provisions of these regulations.

**Certificates of authority, badges, collecting boxes and receipt books**

2. No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
  - a) A prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
  - b) A prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection, and
  - c) If money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of their receipt.
3. Every promoter of a collection shall exercise all due diligence to secure:
  - a) That no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it was issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
  - b) That every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
4. In the case of a collection in respect of which a licence has been granted:
  - a) Every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Officer, and every prescribed badge shall be so obtained; and
  - b) Every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the licensing authority for the area in respect of which the licence was granted.

**Appendix E – House to House Regulations**

**Duties of collectors in relation to certificates and badges**

5. Every collector shall:

- a) Sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of the collection:
- b) Sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- c) Keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

**Age Limit**

6. No person under the age of 16 years shall act or be authorised to act as a collector of money.

**Importuning**

7. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof

**Collection of money**

8. Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitted the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.

9. Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

**Duty of collectors to return boxes and books**

10. Every collector, to whom a collecting box or receipt book has been issued, shall:

- a) When the collecting box is full or the receipt book is exhausted, or
- b) Upon the demand of a promoter of the collection, or
- c) When he does not desire to act as a collector, or
- d) Upon the completion of the collection

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

**Examination of boxes and books**

11. Subject to the following paragraph, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.

**Appendix E – House to House Regulations**

12. Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

13. As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.

14. Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

**Provision for envelope collections**

15. Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of the opinion that the collection is for a charitable purposes of major importance and is suitable administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.

16. Where an envelope collection is made in accordance with this regulation:

- a) Every envelope used shall have a gummed flap by means of which it can be securely closed;
- b) No collector shall receive a contribution except in an envelope which has been so closed.

**Promoters to furnish accounts**

17. The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence.

18. The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

**Form and certification of accounts**

19. The account required by the preceding regulation

- a) Where money has been collected, shall be furnished in the form prescribed by the authority
- b) Where property has been collected and sold, shall be furnished in the form prescribed by the authority

**Disposal of disused certificates of authority, etc**

20. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when not longer required in connection with that collection or in connection with a further collection which has been authorised to promote for the same purpose.



**Appendix F – Conditions to Place Object(s) on the Highway**

**Conditions of Permission to place Object(s) on the highway**

**1. OBLIGATIONS ON THE PERMISSION HOLDER**

The Permission Holder undertakes:

- 1.1 To ensure that the object(s) is not placed in any other area than that stated in this Permission.
- 1.2 Not to allow the object(s) to be placed on the highway outside the times and dates permitted by this Permission.
- 1.3 To ensure that the dimensions and appearance of the object(s) at all times accords with the details agreed by the Council upon the issue of this Permission.
- 1.4 To ensure that the object(s) does not at any time obstruct the passage of or cause danger to persons lawfully using the highway.
- 1.5 To ensure that the object(s) is at all times well maintained and kept in a clean and tidy condition.
- 1.6 To ensure that the object(s) is at all times sufficiently weighted so that they do not move or blow over in the wind.
- 1.7 To pay to the Council the cost of making good any damage caused to the highway in consequence of the Permission Holder's operations thereon.
- 1.8 To indemnify the Council from all claims, damages and costs in respect of all accidents damages and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability.
- 1.9 To observe all statutory and other provisions and regulations for the time being in force which relates to the placing of the object(s) on the highway.
- 1.10 To comply with any directions or requirements issued by a chief officer of the Council or any member of their staff so authorised.
- 1.11 To forthwith inform the Council in writing of the details of any transfer/disposal to another person of the business to which the object(s) relates.

**2. FURTHER CONDITIONS**

- 2.1 This Permission is not assignable.
- 2.2 The Council may at any time vary the conditions of this Permission.
- 2.3 Nothing contained in this Permission shall be deemed to be a consent or approval of the Council in its capacity as authority for enforcing byelaws or as a local planning authority, health or highway authority or in any other capacity.
- 2.4 The Council may revoke or suspend this Permission at any time in the event of:
  - 2.4.1 The breach by the Permission Holder their servants or agents of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or
  - 2.4.2 Work being carried out in under or over the highway on which the object(s) is located; or
  - 2.4.3 A change in Council Policy which necessitates termination of this Permission; or

**Appendix F – Conditions to Place Object(s) on the Highway**

- 2.4.4 Circumstances outside the Council's control which necessitate termination of this Permission forthwith.
- 2.5 The Permission Holder may surrender this Permission by giving notice in writing to the Council.
- 2.6 The Council shall be under no obligation to renew this Permission at the end of the period stated herein.
- 2.7 All licences must be displayed on the premises referred to in the consent or on the premises to which the consent relates.
- 2.8 The Council reserves the right to require objects and displays to be removed if at any time they are found to be inappropriate or necessary. This may happen if the Advertising board or display becomes;
- Unsightly or unsafe through poor maintenance
  - Inappropriate because of new developments in the vicinity
  - During events likely to result in significant increase in level of footfall
- 3. SPECIAL CONDITIONS RELATING TO MOBILE ADVERTISING**
- In addition to the above conditions, the following special conditions will apply to all mobile advertising structures:
- 3.1 A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary and a minimum distance of 4 meters (either way) between other boards.
- 3.2 The board must be sufficiently weighed down and not permanently fixed to the highway or any furniture on the highway;
- 3.3 The board does not contain any material or information that would prejudice the council or break any current legislation or contain any visual or written material that could be construed as inappropriate or offensive;
- 3.4 The type of board used is of an agreed type with the council;
- 3.5 The 'A' board must be constructed in such a way that it does not have any moving parts (i.e. rotating or swinging 'A' boards etc.);
- 3.6 The board must be of sufficient contrast to its surrounding area
- 3.7 The board must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts;
- 3.8 The board must, and must only, relate to the trade of the premises;
- 3.9 The board must not exceed the dimensions stipulated in the consent;
- 3.10 The board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises;
- 3.11 The board must not obstruct safe passage for all highway users, emergency or service vehicles or interfere with sight lines for any road users. (Breach of this condition will result in the board being removed immediately.)

**Appendix G – Conditions of Permission to Place Tables & Chairs on the Highway**

**Conditions of Permission to place tables and chairs on the highway**

**1. General matters**

- 1.1 The fee for the granting of the Permission shall be paid in advance.
- 1.2 The tables and chairs shall at all times be well maintained and kept in a clean and tidy condition.
- 1.3 The tables and chairs shall not be placed in any other area than that stated in the Permission. They shall be placed in an area delineated by a suitable temporary barrier which is positioned to the satisfaction of the Assistant Director of Operations.
- 1.4 Furniture and temporary barriers shall be in accordance with the *Pavement tables and chairs design guide*.
- 1.5 The person to whom the Permission is granted shall ensure that the tables and chairs so far as reasonably practicable, and the persons using the tables and chairs, do not at any time obstruct the passage of or cause danger to persons lawfully using the highway on which they are situated.
- 1.6 The Permission may be suspended by the council at any time in the event of work being carried out in, under or over the highway on which the tables and chairs are situated or any adjacent highway.
- 1.7 The person to whom the Permission is granted shall indemnify the council against any costs, claims, actions or damages arising out of the placing of the tables and chairs on the highway.
- 1.8 The person to whom the Permission is granted shall bear absolute responsibility for ensuring that adequate public liability and products liability insurance is held in respect of the permitted area and the cover obtained shall be not less than £5,000,000, any one claim, in respect of public liability and not less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability. Evidence of such public liability and products liability insurance shall be provided to the satisfaction of the council before the Permission can be exercised.
- 1.9 The Permission is not assignable.
- 1.10 The council may at any time vary the Permission or conditions thereof:
- 1.11 If the person to whom the Permission is granted breaches any one or more of the conditions thereof, the council may serve a 'default' notice requiring the breach of conditions to be remedied in a particular way within a stated time and should it be necessary in order to remedy the default, the council may require the tables and chairs, temporary barriers and other furniture to be removed from the highway either temporarily or permanently.

**Appendix G – Conditions of Permission to Place Tables & Chairs on the Highway**

1.12 (a) The person to whom the Permission is granted shall ensure that the tables and chairs and use thereof by members of the public are at all times supervised so as to avoid nuisance being occasioned to:-

- (i) members of the public lawfully using the highway
- (ii) local residents
- (iii) other local businesses.

(b) The person to whom the Permission is granted shall ensure that glasses, crockery, napkins, cutlery and any other item placed upon the tables and chairs by the person to whom the Permission is granted or by any other persons, when the tables and chairs are in use, are removed from the tables and chairs when they are not in use.

1.13 The person to whom the Permission is granted shall not allow music to be broadcast on to the street.

1.14 The person to whom the Permission is granted shall ensure that customers consuming food or drink outside the premises do not move beyond the demarcated area.

1.15 It shall be the duty of the person to whom the Permission is granted to clean the section of the highway in respect of which Permission is granted to the specification of the Assistant Director Community Services.

1.16 The Permission does not authorise the holder to allow alcoholic drinks to be served or consumed at the tables and chairs. It is the responsibility of the person to whom the Permission is granted to check with the Licensing Justices that the liquor licence for the premises allows such activities to take place.

**2. Design specification**

**2.1 Means of enclosure**

2.1.1 When in use the pavement area will need to be enclosed, to demarcate the permitted area and contain the tables and chairs, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians.

2.1.2 The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.

2.1.3 The enclosure shall be removed outside the hours of operation or when it is not intended to operate on the pavement within that period. The materials should therefore be lightweight in construction and portable but stable enough to prevent collapse if accidentally walked/stumbled into.

2.1.4 The design of the barrier should complement the character of the surrounding area and in any event must have bars/elements at around 100mm and 1,000mm above ground level.

2.1.5 Planters can be particularly attractive and can be used as part of the means of enclosure but must be removed from the highway outside of the hours of operation.

**Appendix G – Conditions of Permission to Place Tables & Chairs on the Highway**

2.1.6 Notwithstanding the contents of paras. 2.1.1 - 2.1.5 above the enclosure shall comply, in all respects, with the provisions of the council's design guide.

**2.2 Furniture**

2.2.1 The furniture should be of a high quality and uniform style within the permitted area. White plastic and or picnic tables will not normally be approved.

2.2.2 Where umbrellas are used these must be fabric type (ie non reflective) and display only limited advertising or logos up to 150 x 450 mm in size. Umbrellas are to be positioned so as to avoid overhanging, outside the enclosure or impairing vehicle sight lines.

2.2.3 Non furniture items, eg menu boards, signs and portable gas heaters also need to be approved as part of the enclosed area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is seen to be causing a problem.

2.2.4 All items need to be portable enough to be brought in at the end of the permitted period of each working day or in the event of an emergency.

Draft for Consultation

Appendix H – Public Notice

**Public Notice**

I ..... (Full Name) applied on  
..... (Date) for consent to place an object on  
the highway/street trading consent (Delete as appropriate) at (Address or  
describe location)

during (Times and dates)

Full details are included in the application held at  
Cheltenham Borough Council.

The application has been made to:  
Cheltenham Borough Council,  
Licensing Team, PO Box 12, Municipal Offices, Promenade,  
Cheltenham, GL50 1PP  
E mail [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk) .

The application can be inspected at the Council's offices  
from Monday to Friday between 9am and 5pm.

Any person wishing to make representations about this  
application may do so in writing to Cheltenham Borough  
Council no later than ..... (Two working weeks –  
see policy)

## Schedule of Proposed Policy Changes

### Street Trading

Proposed Policy Changes	Reasons/Comments
<b>Conditions</b>	
A number of additional conditions have been added to the pool of standard conditions that may be imposed to the grant of a street trading consent. These are attached at <b>Appendix 5</b> .	The addition of these additional conditions is necessary to ensure that the Council can effectively control street trading activity.
<b>Licence Plates</b>	
It is proposed that all street trading consent holders be required to display a consent plate attached to every trading pitch, vehicle or other trading object displaying information such as consent number, expiry date, permitted hours of trading, location and items licensed to be sold.	The use of the proposed plates will ensure more effective enforcement by making it easier to identify unlicensed street traders and also give the public assurance that the traders are adequately licensed.
<b>Defining the Town Centre</b>	
Although the policy's scope includes the entire borough, certain provision thereof relates to the town centre only. The current policy refers to the town centre without clearly defining it. It is therefore proposed in the draft policy that the town centre be clearly defined as the "Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2006".	Clearly defining the town centre is necessary in order to achieve the aims of the policy, provide clear guidance to prospective applicants and ensure effective enforcement.
<b>Consultation</b>	
It is proposed that applicants be required to advertise their applications so to ensure that people who live or work in the vicinity of an application and who may be affected by the grant of a consent be given an opportunity to comment on the application.	There is currently no such requirement on applicants and it is considered that such a requirement is necessary to ensure effective consultation with interested parties.
<b>Street Trading in the Town Centre</b>	
<p>The town centre has conservation area status and as a result the Council adopts a more restrictive approach to applications for street trading consent.</p> <p>The current policy for street trading in the town centre only permits the sale of perishable goods of a 'luxury' nature and/or foods synonymous with a holiday period or season to be sold.</p>	<p>To promote the Council's priorities, in particular to attract more visitors and investors to borough, it is proposed that policy be changed to read:</p> <p>"Street trading will generally be permitted in the town centre where it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape."</p>

## Charitable Collections

Proposed Policy Changes	Reasons/Comments
<b>Cheltenham Festival Collections</b>	
<p>In addition to the requirements set out above, the Council will also specify additional requirements for collection applications for March every year during the Cheltenham Festival ("Race week collections").</p> <ol style="list-style-type: none"> <li>1. The Council will not accept applications for Race week collections until the first week of October every year.</li> <li>2. Where there is a conflict of dates, times or locations, Officers may submit a report to the Council's Licensing Committee with proposed allocation for Race week collections in December every year. The Committee may approve the proposed allocation of dates or make any amendments it considers necessary.</li> <li>3. Applicants will be notified of the Committee's decision within 5 working days and issued with a collection permit if they were successful.</li> <li>4. Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.</li> <li>5. Preference will be given to charities/organisations that have not received permits in the previous year.</li> <li>6. Collection applications for other areas in the borough over Race week, away from the town centre, will be considered at the Council's discretion.</li> </ol>	<p>There are currently no special measures in place to deal with the excess amount of applications for street collections received for the festival.</p> <p>It is considered necessary though that the Council does adopt such a policy.</p>
<b>Christmas Town Centre Street Collections</b>	
<p>In addition to the requirements set out in the policy, the policy will specify additional requirements for collection applications for the months of November (from the 15<sup>th</sup> onwards) and December ("Christmas collections") in the town centre.</p> <p>To deal with Christmas Collections it is proposed that;</p>	<p>There are currently no special measures in place to deal with the excess amount of applications for street collections received over the Christmas period.</p> <p>It is considered necessary though that the Council does adopt such a policy.</p>



1. The Council do not accept applications for Christmas collections until the first week of September every year.
2. The Council will allocate applicants either a morning slot (8am to 1pm) or an afternoon slot (1pm to 5pm).
3. A report be submitted to the Council's Licensing Committee with proposed allocation for Christmas collections in November every year. The Committee may approve the proposed allocation of dates or make any amendments it considers necessary.
4. Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.
5. Subject to organisations that will be allowed a permit every year, preference will be given to charities/organisations that have not received permits in the previous year.
6. Collection applications for other areas in the borough over December, away from the town centre, will be considered on merits and at the Council's discretion.

**House to House Collections**

The policy proposes to limit the frequency and duration of House to House collections that will be permitted in the borough.

It is proposed that no collection will be permitted for a period exceeding one month and in addition individual charities will only be permitted two collections annually in the borough for per charity.

The Council receives numerous complaints from residents about the number of house to house collection bags deliver to house holds daily.

The Council recognise that house to house collections are a legitimate means of raising funds for charities but aims, through policy, to limit the number and frequency of these collections.

## Objects on the Highway

Proposed Policy Changes	Reasons/Comments
<b>Conditions</b>	
A number of additional conditions have been added to the pool of standard conditions that may be imposed to the grant of consent to place an object on the highway. These are attached at <b>Appendix 6</b> .	The addition of these additional conditions is necessary to support local businesses but also to allow the safe and free movement of all users of the highway.
<b>Defining the Town Centre</b>	
Although the policy's scope includes the entire borough, certain provision thereof relates to the town centre only. The current policy refers to the town centre without clearly defining it. It is therefore proposed in the draft policy that the town centre be clearly defined as the "Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2006".	Clearly defining the town centre is necessary in order to achieve the aims of the policy, provide clear guidance to prospective applicants and ensure effective enforcement.
<b>Consultation</b>	
It is proposed that applicants be required to advertise their applications so to ensure that people who live or work in the vicinity of an application and who may be affected by the grant of a consent be given an opportunity to comment on the application.	There is currently no such requirement on applicants and it is considered that such a requirement is necessary to ensure effective consultation with interested parties.
<b>Commercial Interest Applications</b>	
It is proposed that consent for objects associated with commercial/private gain be permitted in the borough.	<p>Currently consent will normally only be given for objects used for charitable, not for profit, public interest or local interest and club display purposes.</p> <p>It is not considered that any justifiable reasons exists why objects associated with commercial/private gain should not be consent provided that they comply with the provisions contained within the proposed policy.</p>
<b>Conditions of Consent for A board Applications</b>	
<p>It is proposed that that the policy clearly set out the conditions under which the Council will grant consent for an 'A' board and subject to applicants meeting all of those conditions, that each premises be permitted one 'A' board.</p> <p>The conditions mentioned above, under which the Council will grant consent for an 'A' board, are listed on page 41-42 of the draft policy.</p> <p>It is further proposed that where an application for an 'A' board does not meet all of the specified conditions, that the application be then referred to the</p>	<p>There is currently a presumption against the grant of an application for an 'A' board unless the applicant can demonstrate to the Council's satisfaction that they have a clear need for this form of advertising because, for example, the location of their premises is disadvantaged in some form or another.</p> <p>It is considered that this policy is no longer sustainable for the Council for a number of reasons.</p> <p><b>1. Enforcement</b></p>

Licensing Committee for determination.

The enforcement of unlawful 'A' boards does cause the Council significant difficulty.

Firstly, the Council must seek a removal order from the Magistrates' Court for each individual 'A' board. This has proven to be very onerous, time consuming and costly for the Council.

Secondly, the legal status of different sections of the highway has caused further enforcement difficulties.

As a result of these difficulties, the enforcement of unlawful 'A' boards has proven to be largely ineffective and unsustainable.

## **2. Corporate Strategy**

The Council is committed to strengthening the borough's economy.

Local businesses rely, some heavily, on the use of 'A' boards to attract customers to their businesses. Despite this, the location of the majority of premises in Cheltenham does not meet the requirements of the current policy and therefore will not be permitted an 'A' board.

## **3. Cost**

The terms of the Council's current policy are not sufficiently clear to delegate authority to officers to determine applications. As a result, each new or opposed application is referred to the Licensing Committee which has cost implications for the Council and this must be recovered through licence fees.

This is considered unnecessary and over burdensome on Council resources and licence holders.

## **4. Decision Making**

Furthermore, the lack of clarity in the current policy has led to inconsistent decision making which has adversely affected the Council's reputation.

For the reasons listed above, it is considered that a more sustainable option would be to clearly set out the conditions under which the Council will grant consent for an 'A' board and subject to applicants meeting all of those conditions, that each premises be permitted one 'A' board.

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**Appendix 5 - Additional Conditions to be added to the Pool of Standard Conditions that may be imposed for a Street Trading Consent**

The Councils Street Trading Consent Notice shall be conspicuously displayed on the stall, barrow, cart etc, to which the Consent applies, so that it is clearly visible to the public.

The Consent Holder(s) shall notify the Licensing Section within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the Consent.

If Trading is to take place on private land, the trader must have written permission from the Land Owner that trading can take place.

Goods may not be of an inflammable, corrosive or otherwise dangerous nature.

The trader will be responsible for cleansing of the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.

The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.

Traders selling food products, shall comply with the provisions of the Food Safety Act 1990 (Amendment) Regulations 2004, General Food Regulations 2004, Regulations (EC) No. 178/2002, 852/2004, 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006

Liquefied Petroleum Gas shall not be used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.

No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that: - they do not present a danger to the public do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not cause any noise or fume nuisance.

A competent person must install all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.

No combustible materials are to be stored in the vicinity of a generator and suitable first aid fire fighting appliance(s) must be immediately available.

The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the General Public do not have access to the equipment.

All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.

**Appendix 5 - Additional Conditions to be added to the Pool of Standard  
Conditions that may be imposed for a Street Trading Consent**

All electrical cables or flexes, which are suspended over the public footway or carriageway, shall be adequately supported.

All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them, must be fitted with rubber cable protecting mats.

Each consent holder must ensure that their street trading licence plate is clearly attached to their pitch, vehicle or trading object at all times when they are trading.

**3. SPECIAL CONDITIONS RELATING TO MOBILE ADVERTISING**

In addition to the above conditions, the following special conditions will apply to all mobile advertising structures:

- 3.1 A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary and a minimum distance of 4 meters (either way) between other boards.
- 3.2 The board must be sufficiently weighed down and not permanently fixed to the highway or any furniture on the highway;
- 3.3 The board does not contain any material or information that would prejudice the council or break any current legislation or contain any visual or written material that could be construed as inappropriate or offensive;
- 3.4 The type of board used is of an agreed type with the council;
- 3.5 The 'A' board must be constructed in such a way that it does not have any moving parts (i.e. rotating or swinging 'A' boards etc.);
- 3.6 The board must be of sufficient contrast to its surrounding area
- 3.7 The board must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts;
- 3.8 The board must, and must only, relate to the trade of the premises;
- 3.9 The board must not exceed the dimensions stipulated in the consent;
- 3.10 The board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises;
- 3.11 The board must not obstruct safe passage for all highway users, emergency or service vehicles or interfere with sight lines for any road users. (Breach of this condition will result in the board being removed immediately.)

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## Cheltenham Borough Council

**Cabinet – 17 April 2012**

### **Budget Monitoring Report 2011/12 – position as at February 2012**

<b>Accountable member</b>	<b>Councillor John Webster, Cabinet Member for Finance and Community Development</b>
<b>Accountable officer</b>	<b>Paul Jones, Head of Financial Services</b>
<b>Accountable scrutiny committee</b>	<b>All</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	To update Members on the council's current financial position for 2011/12 based on the monitoring exercise at the end of February 2012. The report covers the council's revenue, capital, treasury management and the housing revenue account. The report identifies any known variations to the 2011/12 revised budget and a position statement on major schemes.
<b>Recommendations</b>	<b>1. Note the contents of this report including the key projected variances to the revised 2011/12 budget and the projected total budget saving of £302,700.</b>

<b>Financial implications</b>	As detailed throughout this report.  <b>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</b>
<b>Legal implications</b>	None directly arising from this report.  <b>Contact officer: Peter Lewis, Peter.Lewis@teWKesbury.gov.uk, 01684 272695</b>
<b>HR implications (including learning and organisational development)</b>	Directors and HR Advisors have worked together to ensure vacancies are managed effectively, via the vacancy authorisation process.  <b>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355</b>
<b>Key risks</b>	As outlined in Appendix 1.
<b>Corporate and community plan Implications</b>	Key elements of the budget are aimed at delivering the corporate objectives within the Corporate Business Plan.
<b>Environmental and climate change implications</b>	None.

## 1. Background

- 1.1 This report provides the last monitoring position statement for the financial year 2011/12. The purpose of this report is to notify Members of the anticipated outturn position for 2011/12 including any known requests for budgets to be carried forward into 2012/13.
- 1.2 The budget monitoring report to the end of August 2012 projected an overspend for the year of £476,400. As a result of that projection, officers were instructed to reduce spend on supplies and services to essentials for the remainder of the financial year.
- 1.3 This measure enabled the council to address the potential in year budget deficit and deliver a revised balanced budget which does not require a contribution from general balances. It is pleasing to note that the anticipated outturn position will deliver a saving of £302,700 against this revised budget, equating to 2.1% of the 2011/12 net budget requirement of £14,077k.
- 1.4 A number of savings are the result of delays or slippage in carrying out particular tasks which are still necessary and will need to be completed in the 2012/13 financial year. Where this applies, requests for carry forwards are noted in this report.

## 2. Net revenue position

- 2.1 The table below summarises the net impact of the variances identified on the overall 2011/12 revised budget position.

<b>Budget variances</b>	(Overspend) / Underspend £	para. ref:
<b>Commissioning</b>		
Corporate Management	2,000	
Divisional Overheads	25,400	
Neighbourhood Management	10,400	
Farmers Market	1,200	
Equal Opportunity	2,200	
Community Pride	20,600	
Racial Equality Service Level Agreement	6,100	
Glos. Association for Voluntary & Community Action	20,000	
Resource Centre	(400)	
Community Development	7,100	
Elections & Electoral registration	(13,600)	
Youth Affairs	65,300	2.4
Democratic & Civic	22,400	
<b>Total Commissioning</b>	<b>168,700</b>	

<b>Resources</b>		
Internal Audit	(2,500)	
Human Resources	31,600	
Customer & Support Services	19,400	
Resources Directorate Management	6,900	
Housing benefits administration	900	
Revenues	13,900	
Discretionary rates relief	12,100	
Procurement services	800	
ICT Infrastructure and Telecommunications	82,800	2.5
ICT Services	6,100	
Financial Services	14,500	
Insurances	700	
Gloucestershire Airport	3,100	
Treasury Management	(7,300)	
Pensions back funding	(800)	
Property Services	16,000	
Municipal Offices	48,300	2.6
Depot	13,400	
Miscellaneous Properties	25,600	
<b>Total Resources</b>	<b>285,500</b>	
<b>Business Change</b>		
Government Connect	(1,200)	
Revenues & Benefits Sourcing Strategy	166,700	2.7
Organisational & Development Work	55,000	2.8
Waste Company	74,000	2.9
Working Flexibly	15,800	
<b>Total Business Change</b>	<b>310,300</b>	
<b>Wellbeing &amp; Culture</b>		
Wellbeing & Culture Management	6,000	
Entertainments	43,100	2.10
Art Gallery & Museums / Tourist Information Centre	47,300	2.12
Everyman Theatre	(1,500)	
leisure@	5,900	

Healthy Lifestyles	2,700	
Sports & Play	4,700	
Cemetery and Crematorium	(28,800)	
Allotments	1,000	
Public Protection Division	(900)	
Pest and Pollution Control	2,900	
Licensing	21,200	
Abandoned cars	1,400	
Animal Welfare	7,400	
CCTV Cameras and Crime and Disorder	(1,400)	
Food Safety	2,600	
Contaminated Land	5,000	
Water Sampling	500	
<b>Total Wellbeing &amp; Culture</b>	<b>119,100</b>	
<b>Operations</b>		
Environmental Maintenance Overheads	26,600	
Refuse Collection & Civic Amenity Site	1,600	
Street Cleaning	28,700	
Recycling Activities	(3,300)	
Building Cleaning	(500)	
Public Conveniences	21,700	
New Green Waste schemes	(51,700)	2.13
Housing Forecourts	700	
Parks & Gardens	5,300	
Non Principal Roads –Environmental Maintenance	12,800	
Sports & Open Spaces	20,000	
Nursery	(6,800)	
GCC Schools	16,600	
Green Environment overhead A/c	18,500	
<b>Total Operations</b>	<b>90,200</b>	

<b>Built Environment</b>		
Ex Community Services divisional overheads	12,000	
Homelessness	10,700	
Housing Grants	(1,000)	
Community Alarms	4,900	
Housing Standards	1,800	
Civic Pride	115,800	2.14
Off Street car parking	2,400	
Development Control	15,800	
Building Control	22,500	
Built Environment Overheads	106,200	
Cheltenham Environmental Fund	116,200	2.15
Cheltenham Strategy Partnership	8,900	
Strategic Planning	8,900	
Joint Core Strategy	(74,000)	2.16
Business & Economic Development	152,900	2.17
<b>Total Built Environment</b>	<b>504,000</b>	
<b>Strategic Directors</b>	<b>16,000</b>	
<b>Sub total of net savings to Service Budgets</b>	<b>1,493,800</b>	
Less: Vacancy management saving target	(69,700)	
Net increase / (decrease) in transfers from/to reserves	(168,700)	
Anticipated carry forward requests/slippage in schemes	(985,300)	
<b>Net savings to Service Budgets</b>	<b>270,100</b>	
Treasury Management –Interest surplus	32,600	3.7
<b>Net projected budget saving 2011/12</b>	<b>302,700</b>	

- 2.2 The table below provides a further initial breakdown of the projected net saving against revised budget to assist Members in the analysis of where the budget savings have occurred.

	(Overspend) / Underspend £
Net increase in employee costs	(19,600)
Net reduction in service costs / operational expenditure	412,800
Net shortfall in income	(123,100)
Treasury Management	32,600
<b>Net projected budget saving 2011/12</b>	<b>302,700</b>

### Employee costs 2011/12

- 2.3 In putting together the revised budget for 2011/12 in November 2011 it was assumed that £69,650 of savings would be realised in the last 4 months of the financial year through vacancy management. There is a net shortfall in this target of £19,600, the detail of which is reported at service level throughout the report. This is after allowing for a saving of £16,400 as a result of non-payable strike action taken on 30<sup>th</sup> November 2011.

### Commissioning

#### 2.4 Youth Affairs

There is a projected underspend of £65,278 due to grant payments made to voluntary youth projects in 2011/12 having twelve months to spend their allocation. The balance remaining will therefore be requested to be carried forward into 2012/13.

### Resources

#### 2.5 ICT Infrastructure

There is an underspend against ICT Hardware of £79,600. This is due to a delay in the replacement of desktops during 2011/12 as a result of service resourcing issues. As these issues are resolved the rollout of replacements will recommence and thus the funding will be transferred to reserves at the year end, to support the programme of works in 2012/13.

#### 2.6 Municipal Offices

Savings in staffing costs, utilities and lower maintenance costs have resulted in a significant underspend of £48,300 at the Municipal Offices. A carry forward request is not anticipated at present although should additional necessary works be identified imminently this may be proposed.

### Business Change

#### 2.7 Business Change – Revenue & Benefits Sourcing Strategy

The Revenues & Benefits Sourcing Strategy budgets of £166,700 has not been spent in 2011/12. A carry forward request will be made at the year end for this money to be used to continue to progress shared working arrangements for the Resources Directorate with other councils, including the potential for a shared ICT service.

**2.8 Business Change – Organisation & Development Work**

There is an underspend of £55,000, against the budget of £80,000 for the year. This funding was agreed by council to support the significant business change required in order to deliver some of the council's key projects including GO. Outstanding funding is allocated to supporting the use of Achieve Breakthrough within our new partnership arrangements; for interim procurement capacity; for support for the implementation of GO; for learning and development of staff in support of commissioning, and for external advice to the Leisure and Culture review. A request will be made at the year end for the underspend to be carried forward to complete the work streams in 2012/13.

**2.9 Waste Company**

There is an estimated £74,000 underspend in this budget at the year end. This budget is to fund the one-off set up costs of Ubico over the period 2011/12 and 2012/13 and a request will be made to carry forward this budget to fund the remaining set up costs of Ubico in 2012/13.

**Wellbeing & Culture**

**2.10 Town Hall**

The Town Hall budget is expected to be under spent by £24,500 for 2011/12. This is due to an increase in sales for promoted events and agency tickets during the final quarter of the financial year. Catering commission and Hall lettings are on target with the projected revised budgets.

**2.11 Pittville Pump Rooms**

The Pittville Pump Rooms is expected to be under spent by £18,500 against the 2011/12 revised budget. £10,800 of this is due to the prudent management of building maintenance costs and £7,700 is due to an increase of hired events and car park income during the final quarter of the year.

**2.12 Art Gallery & Museums / Tourist Information Centre**

There is an expected net saving of £47,300 in the Art Gallery & Museum and Tourism service, including a NNDR refund of £50,700 received in March 2012 following a revaluation of NNDR chargeable for the period 2005 to 2010. A request will be made at the year end to transfer this underspend into the Art Gallery & Museum development reserve, to fund expenditure on the development in 2012/13.

**Operations**

**2.13 New Green Waste Schemes**

This cost centre is anticipated to be £51,700 over spent. This is represented by an overspend of £23,300 on agency labour and an underspend of £15,500 on supplies and services. Incorporated in the revised net budgeted position for the introduction of the Garden Waste scheme is an assumed level of 11,500 sales that will occur this financial year end. The anticipated number of sales at the year end is 10,700. The shortfall in income of £45,600 for Garden Waste bins is offset by additional income of £1,700 for Garden Bags.

**Built Environment**

**2.14 Civic Pride**

Work by the Cheltenham Development Task Force on Civic Pride will progress rapidly in 2012/13 with the sale of car parks at North Place and Portland Street imminent. As a result, the remaining funding in 2011/12 will be retained in the Civic Pride Reserve for use in future years to fund projects for the regeneration of the town.

**2.15 Cheltenham Environmental Fund**

Funding was awarded from the New Homes Bonus in 2011/12 to create a fund to support small-scale environmental works to tackle environmental issues in packages costing around £15,000 or so a time. The funding was wholly allocated in 2011/12 and although work has commenced on a number of the schemes, the budgets will be carried forward to 2012/13 to fund the remaining expenditure.

**2.16 Joint Core Strategy (JCS)**

This budget head has been set up for the joint sharing of costs on JCS with Gloucester City Council and Tewkesbury Borough Council. A overspend of just under £74,000 is expected at outturn for 2011/12. The overspend can be accounted for by the additional work regarding several evidence based studies that have been undertaken with the local plans. All of this overspend will be met by the Joint Core Strategy Reserve, set up for this purpose.

**2.17 Business & Economic Development**

There is a projected net underspend of £152,800 for 2011/12 including £9,400 under spend of LABGI funding carried forward from 2010/11. This is to be requested to be carried forward into 2012/13 to fund Joint Core Strategy Economic work, along with a further £12,800 of other under spends within the cost centre. The Promoting Cheltenham Fund is under spent by £120,100 which will be requested to be carried forward into 2012/13. The successful grant applicants in late 2011 have a year to complete their projects and receive the grant payment. A further carry forward request of £5,700 is required to fund a Business Support project in 2012/13.

**3. Treasury Management**

**Icelandic Banks**

- 3.1** The council has outstanding loans with the Icelandic owned banks Glitnir, Landsbanki and Kaupthing, Singer & Freidlander (KSF).
- 3.2** Since the decision was made by the Icelandic Supreme that Local Authority wholesale depositors are considered preferential creditors, both the Landsbanki and Glitnir Winding up Boards have made repayments to the council, with further amounts expected in the future. On the 17<sup>th</sup> February 2012 the council received £1.508 million from Landsbanki as a first instalment, which was around 29% of the outstanding claim. A further 2% of the first instalment is being held in Icelandic Krona's (ISK) in an escrow account. No further information is known of when the next repayment is due, however the council is expecting a 98% return on the Landsbanki claims over the coming years.
- 3.3** On the 15<sup>th</sup> March 2012 the council received £2.633 million from the Winding Up Board of Glitnir. This equated to 81% of the overall claim. A remaining 19% of the is being held in Icelandic Krona's (ISK) in an escrow account. Again, the council is awaiting further information on the distribution of this amount.
- 3.4** There have been no further payments received on the deposits held with Kaupthing Singer & Friedlander since the last report in November 2011. To date we have received 63% back of the outstanding claim and further distributions will follow in the coming months. It is expected the council will receive 82% of the outstanding claim.
- 3.5** As explained in previous budget monitoring reports, the receipt from Glitnir will be used to repay the borrowing taken out when the original losses were capitalised, using the Capitalisation Direction received in 2009/10. This will reduce borrowing repayments (Minimum Revenue Provision) by £120,000 per annum from 2012/13. This has been built into the budget for that year.



- 3.6** The Landsbanki repayment received does not have any budget implications as the council had in this case already assumed priority status would be achieved, in line with the view taken by that bank's winding up board. For the 2010/11 accounts the council had assumed a recovery rate of 94.85% for these deposits, based on the best available information at the time. If 98% is ultimately received this would result in a further credit to revenue of £100-150,000. If used to repay the borrowing, this would reduce budgeted repayments by £5-7,000 per annum, from 2012/13.

#### **Treasury Management Activity**

- 3.7** There is a predicted surplus of interest of £28,631 to report on Treasury Management for 2011/12. The General Fund (GF) is £32,662 favourable against the 2011/12 revised budget while the Housing Revenue Account (HRA) is £4,031 adverse against the revised budget.
- 3.8** The council's borrowing costs are expected to be £11,490 lower than the revised budget as the Council's cash resources have improved in 2012 as some of the bank deposits held in Iceland were repaid in February and March 2012, so there has been a reduced borrowing requirement for cash flow purposes.
- 3.9** Lending interest is forecast to be favourable by £17,141. As mentioned in paragraph 3.8 cash resources have improved in 2012 which has assisted the Council in receiving more interest on its Business Call Account.
- 3.10** The Housing Revenue Account (HRA) is forecast to be adverse by £4,031 which will result in the General Fund (GF) receiving more in interest from the HRA for its share of the debt held by the Council. The weighted average rate of interest on all borrowing for 2011/12 was estimated to be 3.03% but is now forecast to be 3.24%.

#### **4. Capital expenditure**

- 4.1** Possible significant variances to the 2011/12 revised capital budgets and a position statement on major capital schemes are detailed below:

##### **4.2 CCTV**

External funding of £55,000 has been received in respect of 7 new CCTV cameras to be installed along the Honeybourne Line. £10,000 of the council's capital budget has also been allocated to this committed project and the total funds of £65,000 which will be carried forward at the year end.

There is an underspend of £39,900 in the council's remaining capital budget, including £26,700 committed towards the upgrade of the Town centre systems. This will be carried forward to continue the replacement / improvement programme in 2012/13.

##### **4.3 CCTV –Car Parks**

A budget of £130,000 has been allocated for CCTV in Car Parks in 2011/12. The scheme is for a parking management and software solution for the Regent Arcade. The system will become the platform for future upgrades including CCTV at car parks. This project is ongoing and the budget will be carried forward to be spent in 2012/13.

##### **4.4 Art Gallery & Museum Redevelopment**

The main contractors, ISG, commenced on site from 11 August 2011 and work is progressing well. The original contract period was for 60 weeks, with a hand-over date for the new extension / refurbished buildings on 4 October 2012 - however, there was an initial delay of two weeks during the ground work investigations and the potential for further delay during the construction of the

main concrete frame - and therefore, we are expecting the hand-over date to change to early December 2012. The building is expected to open from early summer 2013 with a popular family exhibition. Progress on the construction can be viewed on a daily basis via the Art Gallery & Museum Development webcam on [www.cheltenham.artgallery.museum - development pages](http://www.cheltenham.artgallery.museum-development/pages).

The Art Gallery & Museum is still seeking support for the Development fundraising programme - with the launch shortly, of an exciting public fundraising campaign (specifically on-line) - and the Art Gallery & Museum's Development Trust and the Friends of Cheltenham Art Gallery & Museum are pro-actively organising fundraising events throughout the year. The capital budget for this scheme will be carried forward at the year end to support the committed expenditure in 2012/13.

### **5. Programme maintenance expenditure**

- 5.1** The majority of work planned for completion in 2011/12 remains scheduled. However, £75,900 allocated for Power Perfectors is yet to be spent. The Power Perfector at leisure @ has been relocated to the Town Hall in March for a trial period. This budget will be carried forward into 2012/13, to be spent in July 2012, assuming that the results of the trial are satisfactory.

### **6. Housing Revenue Account (HRA)**

#### **6.1 HRA income and expenditure**

The HRA revised budget for 2011/12 estimated a deficit of £961,400 for the year resulting in a balance of £2,711,800 to be carried forward in revenue reserves at 31st March 2012.

The only significant variation identified to date is a reduction of £339,000 in the level of revenue contributions required to fund capital expenditure, following changes to the capital programme as detailed below

This will reduce the deficit for the year to £622,400 and increase revenue reserves held at 31<sup>st</sup> March 2012 to £3,050,800.

#### **6.2 HRA Capital Programme**

Capital expenditure for the year is now forecast at £4,650,000, a reduction of £339,000 compared to the revised estimate. This arises from estimated savings of £100,000 on water mains renewal and £179,000 on the transformational improvements at St Pauls. A further £60,000 will be carried forward into 2012/13 to complete the St Pauls project.

### **7. Council tax and Business rates collection**

- 7.1** The monitoring report for the collection of council tax and business rates (NNDR) income is shown in Appendix 2. This shows the position at the end of February 2012 and the projected outturn for 2011/12.

#### **Conclusion**

- 7.2** The net effect on the general fund of the variances reported above is that there may be a net saving against the revised budget of £302,700 for 2011/12. It will be for Cabinet and Council to decide in June 2012, when outturn is finalised, how to apply this saving, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding possible future budget funding gaps.

**7.3** The continued impact of the economic recession presents particular concerns for the council's budgets. It is clearly important to ensure that the 2012/13 budgets are closely monitored over the coming months with a view to taking action at a future date, if necessary, in order to ensure that the council delivers services within budget.

**8. Consultation**

**8.1** The work undertaken to produce this report has involved consultation with a wide number of services and cost centre managers.

<b>Report author</b>	<b>Contact officer: Sarah Didcote</b> <b>sarah.didcote@cheltenham.gov.uk, 01242 264125</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Council Tax and NNDR collection</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Section 25 Report – Council 10<sup>th</sup> February 2012</li><li>2. Final Budget Proposals for 2012/13 – Council 10<sup>th</sup> February 2012</li></ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1.	Unable to take corrective action in respect of reduced income streams.	Cabinet	June 2010	3	3	9	Reduce	In preparing the revised budget for 2011/12, SLT to consider the options for offsetting reduced income streams by analysing and reducing the level of expenditure across the Council.	June 2012	SLT	Corporate Risk Register
2.	If the council continues with its zero recruitment policy, then capacity may be impacted adversely, plus morale and motivation of employees	Cabinet	October 2010	3	3	9	Reduce	Executive Board will monitor the process, via quarterly reviews.	March 2012	Executive Board	Corporate Risk Register

## Council Tax and Business Rates Collection Rates 2011 - 2012

### Business Rates 2011/2012

Current Year Charges - 2011/2012				Comments	
Period	% Collected As at 29.02.12	February 2012 Target As at 29.02.12	2011/2012 Target As at 31.03.12	Revised 2011/2012 Target As at 31.03.12	
	98.09%	98.10%	98.80%	N/A	
Comparison with 2010/2011	As at 28.02.11		% Collected 31.03.11	Top Quartile	The current year collection rate is slightly lower than the target for the end of February but the same as this time last year. We are optimistic that we can achieve the year end target of 98.80%
	98.09%		98.71%	N/A	

### Previous Years Charges Outstanding in Current Year (2011/2012)

Period	Previous Year Debts Outstanding As at 29.02.12	February 2012 Target As at 29.02.12	2011/2012 Target As at 31.03.12	Revised 2011/2012 Target As at 31.03.12	Comments
	£319,820	£300,000	£260,000	£280,000	The arrears outstanding are higher than the target but less than at the same time last year. We are monitoring the position closely and working with any businesses having difficulty in paying. The year end target has now been increased to £280k and we are optimistic that we can achieve this.
Comparison with 2010/2011	As at 28.02.11		Amount o/s 31.03.11	Top Quartile	
	£351,033		£282,559	N/A	

### Council Tax 2011/2012

Current Year Charges - 2011/2012				Comments	
Period	% Collected As at 29.02.12	February 2012 Target As at 29.02.12	2011/2012 Target As at 31.03.12	Revised 2011/2012 Target As at 31.03.12	
	97.20%	97.10%	98.21%	N/A	
Comparison with 2010/2010	As at 28.02.11		% Collected 31.03.11	Top Quartile	The current year collection rate is slightly higher than the target and higher than at the same time last year. We are optimistic that we will achieve our year end target which is 98.21%
	97.09%		98.19%	N/A	

### Previous Years Charges Outstanding in Current Year (2011/2012)

Period	Previous Year Debts Outstanding As at 29.02.12	February 2012 Target As at 29.02.12	2011/2012 Target As at 31.03.12	Revised 2011/2012 Target As at 31.03.12	Comments
	£852,763	£820,000	£755,000	£790,000	The arrears are slightly higher than the target and also higher than at the same time last year. Again, we are monitoring the position closely and are working with council tax payers who are struggling to pay. The year end target has now been increased to £790k and we are optimistic that we can achieve this.
Comparison with 2010/2010	As at 28.02.11		Amount o/s 31.03.11	Top Quartile	
	£821,365		£751,099	N/A	

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