



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 13 November 2012

6.00 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

Membership	
Councillors:	Steve Jordan, John Rawson, Rowena Hay, Peter Jeffries, Andrew McKinlay, Jon Walklett and Roger Whyborn

Agenda

	SECTION 1 : PROCEDURAL MATTERS	
1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING To approve the minutes of the meeting held on 16 October 2012.	(Pages 1 - 6)
4.	PUBLIC QUESTIONS AND PETITIONS	
	SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
5.	FEASIBILITY OF ADOPTING A 40 % CARBON EMISSIONS REDUCTION TARGET Report of the Cabinet Member Sustainability	(Pages 7 - 16)
6.	APPLICATION FROM POLICE FOR LOCAL AUTHORITY CONSENT FOR A DISPERSAL ORDER-CHEL TENHAM TOWN CENTRE Report of the Cabinet Member Housing and Safety	(Pages 17 - 28)
	SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other</i>	

		<i>Committees on this occasion</i>	
		SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
		SECTION 6 : BRIEFING SESSION	
		<ul style="list-style-type: none"> • Leader and Cabinet Members 	
7.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS AND OFFICERS	
		Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	
		Section 10: BRIEFING NOTES	
		Airport Green Policy Review	

Contact Officer: Rosalind Reeves, Democratic Services Manager, 01242 774937
Email: democratic.services@cheltenham.gov.uk

Cabinet

Tuesday, 16th October, 2012

6.00 - 6.30 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Peter Jeffries (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)

Minutes

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

There were none.

**3. MINUTES OF THE LAST MEETING
RESOLVED**

That the minutes of the meeting held on 27 September be approved and signed as a correct record.

4. PUBLIC QUESTIONS AND PETITIONS

There were none.

**5. SCRUTINY TASK GROUP ICT REVIEW FINAL REPORT AND
RECOMMENDATIONS**

The Chair of the Scrutiny Task Group (STG), Councillor Colin Hay, introduced the report and explained that the terms of reference the task group had been given did cross over with work which was ongoing in the framework of the commissioning review of ICT services. Therefore the group took the view just to focus on undertaking a healthcheck of ICT. It was now for Cabinet, Overview and Scrutiny and the Commissioning review to take the recommendations further.

The Chair of the STG outlined the recommendations from scrutiny. He highlighted that over a number of years investment in and prominence of ICT had drifted and there had been a lack of leadership within the Senior Leadership team. This had since been addressed and ICT infrastructure would be taken forward in the commissioning review. He also emphasised the impact the GO project, in terms of hosting the service, had on the ICT team particularly when members of the team had been affected by single status. The STG also recommended that cabinet be mindful of the impact of the council's accommodation strategy in terms of investment in ICT. It was recognised that

the Government Connect project had also added an unnecessary burden on the team and it was important that further representations be made to government about this.

With regard to member ICT the Chair of the STG highlighted the fact that members could currently not log in to Citrix on their equipment in the council offices due to restricted use of WIFI. In the context of using members allowances for purchasing IT equipment the group requested the Independent Remuneration Panel to re-examine this should members so wish.

The Cabinet Member Corporate Services thanked the Scrutiny Task Group for its work and gave Cabinet's full endorsement of the recommendations. In his view the recommendations fell in to two categories-those which would be addressed by the commissioning review and those directly relating to members ICT in conjunction with the Democratic Services Manager. He expressed his disappointment that the cabinet member working group had not materialised.

RESOLVED

To agree the recommendations of the Scrutiny Task Group and note the implications set out in the report

6. QUARTERLY BUDGET MONITORING REPORT TO END OF AUGUST 2012

The Cabinet Member Finance introduced the report and explained that at the end of August a possible overspend of £281 000 had been identified. This would be actively managed in terms of examining individual overspends and to rein in spending in terms of a freeze on purchasing services and supplies.

The possible overspend amounted to one third of one percent of the council's total gross budget. The Cabinet Member highlighted that this year there was a shortfall in income for both off-street car parking and building control and this reflected the general economic situation. On a positive note he reported that there was a predicted surplus of interest of £40 000 to report on Treasury Management within the general fund for 2012/13.

The Cabinet Member was confident that, like last year, services would be delivered within budget. The Leader added that the overspend was considerably less than previous years.

RESOLVED that

1. the contents of this report including the key projected variances to the original 2012/13 budget identified at this stage and the potential projected overspend of £281,000 for the financial year 2012/13 be noted.
2. a freeze on supplies and service expenditure budgets be introduced, where possible, until further notice, to be reflected in the revised 2012/13 budget.
3. If, following the more detailed monitoring process currently being undertaken as part of the budget setting process for 2013/14, the potential overspend is confirmed, corrective action be taken to ensure that the Council delivers services within the overall net budget for the year.

7. BUDGET STRATEGY AND PROCESS

The Cabinet Member Finance explained that the budget process had started back in February 2012 and a £735k funding gap had been identified at that point between what the Council would need to spend to maintain service and what it could spend assuming an illustrative council tax increase of 2.5 %. Since 2010 the government grant had been cut by 23 % and a further cut was expected in December. A 5 % cut in government grant was assumed next year and it was hoped that the Council tax increase would be as low as possible. The Bridging the Gap group continued to meet on a regular basis and a 5 year strategy was being developed with intelligent targets based on work which was already being undertaken, such as the Leisure and Culture review and various restructures.

The Cabinet member Finance wished to put on record his thanks to the Bridging the Gap group and officers across the council for identifying savings. There was still however more to do.

The Leader of the Council also paid tribute to the work being done.

RESOLVED that

1. the budget setting timetable at Appendix 2 be approved.
2. the estimated funding gap for 2013/14 of £0.95m- £1.2m and the steps taken to close it at Appendix 3 be noted.
3. the budget strategy outlined in section 5 below be approved.
4. Authority be delegated to the Section 151 Officer, in consultation with the Cabinet Member for Finance, to consider the suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2013/14 as outlined in section 5.

8. CHELTENHAM BOROUGH HOMES DEVELOPMENT OPTIONS REVIEW

The Cabinet Member Housing and Safety paid tribute to Cheltenham Borough Homes (CBH) for the positive work they had done in St Pauls. He then invited Paul Stephenson, Chief Executive, CBH, to introduce the report.

The Chief Executive CBH explained that Cabinet had mandated CBH in March 2012 to review development options for Crabtree Place, Cakebridge Place and four garage sites and to seek a development partner for these schemes following the completion of an appropriate competitive selection process. He highlighted that the recommendations in the report recognised that the work was incomplete and that final design and financial and legal implications needed to be worked through. With reference to recommendation (iv) the Chief Executive CBH mentioned that there had been two working group meetings of senior officers from CBC and CBH where the concepts had been worked through and key issues addressed.

Communication and consultation was key to the process and this had been illustrated by the experience of the Brighton Road and St Paul's developments. The selection process was multifaceted and consulting with the community was a critical part of this.

CBH had been mandated to complete the developer selection process and to commence the next phase. The garage sites already had planning permission and with other schemes design considerations still needed to be modified. He expressed his gratitude to his council colleagues involved in the selection process.

The Cabinet Member Housing and Safety said these developments was good news for affordable homes in Cheltenham and thanked officers for their work.

Members welcomed the continued involvement of ward members in the process.

The Leader explained that this was a positive process. Developments in Brighton Road and St Pauls had been successful and these new developments would add to affordable housing in the town. He highlighted however that this process was not routine as each area comprised different communities with different issues and concerns.

RESOLVED that:

- (i) CBH be mandated to secure the best available deal from developers in respect of net construction cost for the three schemes.
- (ii) CBH can continue contractual negotiations such that early planning submissions can be made in respect of Cakebridge Place and Crabtree Place.
- (iii) CBH be mandated to act in respect of decanting tenants and securing the freeholds of privately owned properties, in full consultation with affected persons and subject to acceptance of appropriate terms and rehousing options.
- (iv) The decision with regard to ownership of the developments be delegated to Grahame Lewis, Executive Director, in consultation with the Cabinet Member Housing & Safety, Section 151 Officer and CBH following receipt of legal advice. This decision is to be made prior to any contractual commitment being entered into with any developer.
- (v) If the decision at (iv) is for CBH to own the completed properties the council will, subject to all necessary consents being received from the Secretary of State, agree to transfer land as required at nil cost (on the assumption that the capital receipt from sales land values at St Pauls will be used to subsidise development costs) and provide financial support through the affordable housing reserve and provide access to PWLB borrowing.

9. BRIEFING FROM CABINET MEMBERS

The Leader informed the meeting that he would be making a decision this week with regard to allocating the remaining funding of the Promoting Cheltenham Fund.

The Cabinet Member Corporate Services explained that a decision would be forthcoming with regard to the Community Right to Challenge process.

Chairman

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Cheltenham Borough Council

Cabinet – Tuesday 13 November 2012

Feasibility of adopting a 40% carbon emissions reduction target

Accountable member	Councillor Roger Whyborn
Accountable officer	Jane Griffiths, Director Commissioning
Ward(s) affected	None
Key Decision	No
Executive summary	<p>This report responds to a recommendation by Environment Overview & Scrutiny Committee for Cabinet to consider the case for supporting a motion laid before Council, to 'bring the current target of a 30% reduction in carbon emissions by 2015 into line with other public bodies by changing it to a 40% reduction target by 2020'.</p> <p>To help inform this decision, the report sets out the percentage reduction in emissions achieved by the end of 2011/12, identifies estimated savings from projects already in progress, planned or recently completed and presents a range of future options for reducing emissions.</p> <p>It also considers a number of the issues surrounding the adoption of a specific percentage reduction target.</p>
Recommendations	<p>(i) Cabinet agrees to keep the current carbon reduction target of 30% by 2015, and approves further work to:</p> <ul style="list-style-type: none"> • explore the potential for Smart metering to help in Bridging the Gap • continue to explore other initiatives to deliver financial and carbon savings <p>(ii) Cabinet aspires to a target of 40% by 2020 and approves further work to:</p> <ul style="list-style-type: none"> • look in more detail at the case for installing a biomass boiler at Leisure@ as a potential replacement for the combined heat and power (CHP) unit on expiry of the lease in 2015 • explore additional projects which reduce the council's carbon footprint <p>(iii) Cabinet requires consideration of carbon emissions as a key criterion in developing the accommodation strategy</p> <p>(iv) Cabinet requests that cabinet reports relating to all future council projects identify the likely impact on the council's carbon emissions</p>

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Financial implications	<p>A number of projects identified to support the carbon reduction target have required up-front investment and have been supported through the budget setting process. Projects identified in section 3 of appendix 2 will require additional funding and will need to be supported through future budget rounds.</p> <p>Contact officer: Paul Jones, GO Shared Services Head of Finance, paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>There are no legal implications arising out of this report.</p> <p>Contact officer: Donna Ruck, Solicitor, donna.ruck@tewkesbury.gov.uk, 01684 272696</p>
HR implications (including learning and organisational development)	<p>No direct HR implications arising from this report.</p> <p>Contact officer: Julie McCarthy, Human Resources Operations Manager, julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>As outlined in Appendix 1.</p>
Corporate and community plan Implications	<p>Adopting the reduction target would support the council's objective to reduce carbon emissions and enable Cheltenham to adapt to the impacts of climate change.</p>
Environmental and climate change implications	<p>Implementing projects to achieve the reduction target will have a positive effect on the environment and reduce the council's contribution to climate change.</p>

1. Background

- 1.1 On 24 February 2012, Councillor Paul Wheeldon laid a motion before Council resolving to bring the current target of a 30% reduction in carbon emissions by 2015 into line with other public bodies by changing it to a 40% reduction target by 2020.
- 1.2 Council referred the matter to Environment Overview & Scrutiny Committee which, at its meeting on 29 February 2012, recommended that a case be established for achieving the target prior to a decision being made.

2. National and local targets

- 2.1 The Climate Change Act 2008 established a national target to reduce, by 2050, the UK's greenhouse gas emissions by at least 80% below the base year of 1990 with an interim target reduction of at least 34% by 2020.
- 2.2 Locally, all authorities in Gloucestershire have reduction targets:

Local authority	Reduction target	Baseline year
Cotswold District Council	25% reduction by 2015/16	2008/9
Gloucester City Council	15% reduction by 2015 Additional 15% by 2015	2008 2010
Forest of Dean District Council	25% reduction by 2013	2008
Tewkesbury Borough Council	15% reduction by 2015	2009/10
Stroud District Council	35% reduction by 2011/12	2007/8
Gloucestershire County Council	60% reduction by 2021	2011

3. How might the proposed 40% reduction target be achieved?

- 3.1 The table at appendix 2 contains information to assist members in considering how the reduction target might be achieved. It is set out in three sections.
- 3.2 Section 1 sets out the 2005/6 carbon emissions baseline, the emissions figure for 2011/12 and the reduction achieved by the end of 2011/12 in percentage terms. The emissions figures are made up of the following elements:
- Council gas, electricity, fuel and (11/12 only) business travel
 - Cheltenham Borough Homes fleet fuel use, gas and electricity where they occupy council buildings plus a small amount of electricity recharged to other users of council facilities
- 3.3 Section 2 sets out the potential carbon and financial savings from a range of projects which have recently been completed, are underway or are planned and where the impact has not yet been accounted for in the figures presented in section 1.
- 3.4 Section 3 presents a range of options that could be considered in the future. Some options are mutually exclusive of others and not all of the options are viable at the present time. Some options are included only as ideas and have not been investigated in any way. Estimated carbon savings in this section are based largely on consumption figures for 2011/12, except where more detailed feasibility studies have already been undertaken. Savings relating to the potential office move (or decision to stay in the Municipal Offices) are notional only as there are too many other variables to consider. Where a capital investment is required, sources of funding have not been identified.

4. Is a 40% reduction target realistic?

4.1 There are a number of issues to consider:

4.1.1 Section 1 of the table shows that, at the end of 2011/12, savings of 13.8% had been achieved since 2005/6. Section 2 estimates that savings from current or planned projects will deliver an additional 11.1% of savings. This leaves another 15% to be achieved. Achieving this remaining percentage is likely to rely on a small number of large projects. Whilst smaller projects all contribute to the overall goal and officers will continue to identify where improvements can be made, it is unlikely that they will deliver sufficient savings on their own.

4.1.2 Leisure@ currently accounts for approximately 25% of the council's total carbon emissions and tackling consumption here is likely to play a key role in achieving the target.

4.1.3 Setting an exact reduction target and implementing specific projects to achieve it is not without problems. Comparing different years does not reflect changes to services the council might be providing or increased use of the council's public venues. Also, the calculation of emissions does not include weather correction, so figures do not take account of, for example, particularly cold winters. As a result, savings achieved from implementing individual projects may be hidden by increases elsewhere.

4.1.4 The majority of future options will require some financial investment, although it is not clear at this stage how much this will be. However, this needs to be balanced against a likely increase in energy and fuel costs over the period to 2020.

4.1.5 If zero carbon electricity did become available to purchase it would deliver a major carbon saving, but it would not deliver a financial saving and it is likely that it would cost more to purchase.

4.1.6 As a commissioning authority, more council services could be outsourced over the period to 2020, but outsourcing in itself will not achieve savings as the council is likely to continue to count emissions from council services whether they are being delivered under a different arrangement or not.

4.1.7 New technologies and opportunities may come forward which are not foreseeable at the present time.

5. Is there an alternative approach?

5.1 An alternative to adopting a specific target might be to adopt a more aspirational goal of achieving the absolute standard of becoming a zero carbon authority over a longer timescale. Adopting this approach would still require the delivery of a series of projects to reduce the authority's emissions as far as possible, but would then require investment in renewables to offset the remaining emissions. This could potentially be achieved through supporting local projects or purchasing credits through a recognised carbon offsetting scheme. This is an approach that Stroud District Council's Executive has been considering and they recently agreed a proposal that 'the [Stroud District] Council aspires to become carbon zero by 2030'.

6. Consultation and feedback

6.1 Officers from building services, ICT and Ubico have been consulted in putting together the information for this report. The report has also been considered by the climate change member working group.

7. Performance management – monitoring and review

7.1 A greenhouse gas emissions report is produced on an annual basis, which provides an overall view of progress. However, because of the difficulties in using this kind of measure, which are outlined in the report, it will also be important to monitor and review individual projects to measure the actual carbon savings being achieved. This will require a commitment from all council services to identify potential carbon savings in the business case for projects and to monitor the delivery of savings once projects have been implemented.

Report author	Contact officer: Gill Morris, climate change and sustainability officer, gill.morris@cheltenham.gov.uk, 01242 264229
Appendices	<ol style="list-style-type: none">1. Risk assessment2. Achieving a 40% reduction in emissions
Background information	None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If carbon emissions are not reduced then the council could face higher energy and fuel bills, fail to deliver one of its corporate objectives and experience a negative reputational impact locally	Director, commissioning	13/11/12	4	3	12	Reduce	Adopting the recommendations in this report will ensure a continued commitment to reducing carbon emissions, enabling projects that deliver carbon and financial savings to be supported	Ongoing	Climate change & sustainability officer	Director, commissioning

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

Achieving a 40% reduction in emissions

Section 1 – baseline and savings to be achieved

Carbon emissions total 2005/6 (CO ₂ e)	5,115,877
Carbon emissions total 2011/12 (CO ₂ e)	4,410,824
Percentage emissions saving achieved against baseline by end 2011/12	13.8%

Section 2 – projects planned, underway or recently completed

Project	Cost		Annual saving		Payback (Years)	% saving against 2005/6 baseline
	Capital	Revenue	Financial	Carbon (kg estimated)		
Replacement of cremators, commissioning 2012	738,412			190,648		3.7
Lighting replacement at Regent Arcade car park, commissioned April 2012	41,463		22,024	200,491	1.9	3.9
Replacement of corridor lights at Town Hall	1,849		3,259	12,796	0.6	0.3
Evaporative cooling in Municipal Offices server room, 2012/13	15,000	350	9,000	45,369	1.6	0.9
Voltage optimisation 2012/13:						
- Depot	20,820			16,370	6.5	0.3
- Town Hall	20,346			16,707	6.2	0.3
- Leisure@ dryside (Municipal Offices to be considered)	21,798			20,100	5	0.4
Lighting replacement in swimming pool hall	29,400		14,584	41,060	2	0.8
Rationalise corporate printing, complete 2012/13			(elec) 3,687 (printing) 12,000	10,660		0.2

Project	Cost		Annual saving		Payback (Years)	% saving against 2005/6 baseline
	Capital	Revenue	Financial	Carbon (kg estimated)		
Implementation of Citrix project to replace PCs / laptops (part of ongoing 'working flexibly' project)	116,000	39,528 (over 4 yrs to end 12/13)		16,200 (total for 80x PCs)		0.3
ESTIMATED TOTAL REDUCTION				570,401		11.1
Other activities:						
<ul style="list-style-type: none"> • Replacement of chandelier bulbs at Town Hall/Pump Room (still subject to trials) • Enforcement of side waste • Review of waste and recycling routing and scheduling (initially Cheltenham then consider whole company area) • Vehicle replacement (up to 3.5 tonne vehicle can expect to achieve a 5% increase in fuel efficiency from upgrading to a newer model) • Virtualisation of servers 						

Section 3 – potential future options

Project	Cost		Annual saving		Payback (Years)	% saving against 2005/6 baseline
	Capital	Revenue	Financial	Carbon (kg estimated)		
Install 57x smart meters for electricity (estimate 5% carbon saving based on evidence from SMEs)	16,530	18,525 (over 5 yrs)	84,208 (over 5 yrs)	85,292		1.7
Install 25x smart meters for gas (estimate 5% carbon saving based on evidence from SMEs)	8,175	9,875 (over 5 yrs)	122,740 (over 5 yrs)	80,004		1.6
Replace gas CHP unit at Leisure@ with biomass boiler plant room ^{1,2} (Cannot be considered until current lease expires in 2015)	See notes	5,750 to 8,450		822,608	6 to 8	16.1
Move out of Municipal Offices – notional 20% saving on gas & electricity	n/a	n/a	n/a	89,040	n/a	1.7
Remain in Municipal Offices and invest in building – notional 20% reduction in emissions from gas and	n/a	n/a	n/a	89,040	n/a	1.7

Project	Cost		Annual saving		Payback (Years)	% saving against 2005/6 baseline
	Capital	Revenue	Financial	Carbon (kg estimated)		
electricity						
Install PV ² :	See note					
- Leisure@ (27.5% carbon saving)				94,983		1.9
- Town Hall (2 roofs, 7.23% saving)				14,795		0.3
- Municipal Offices (1.41% carbon saving)				4,639		0.1
- Depot (11.94% carbon saving)				52,141		1.0
Purchase zero carbon electricity (not currently available)				1,705,846		33.3
Other initiatives currently being investigated:						
• Replacing air conditioning at Leisure@ with alternative cooling system (costed at £30k, actual savings still subject to confirmation)						
• Replacing lights on top deck of Regent Arcade car park (costed at £32k, actual savings still subject to confirmation)						
Further initiatives that could be investigated:						
• Installing PV on top deck of Regent Arcade and Grosvenor Terrace car parks or on land at the cemetery						
• Hybrid conversion to transit vans (supplier advertises 25% saving on fuel and emissions, grant funding may be available to cover part of cost)						
• Purchase of gas converted vans (local infrastructure not yet in place)						
• Reducing size and weight of vehicles (eg putting on lighter chassis)						
• Review of vehicle replacement policy						
• Switch to electric bin lifters on refuse vehicles rather than using hydraulic system						

¹ Leisure@ is largest consumer of energy, accounting for approximately 25% of council's total emissions.

² Biomass is recognised as zero carbon and would also generate income through the Renewable Heat Incentive. There would be an option to lease or purchase the equipment (£275k to £350k depending on plant size and arrangement). At the current rate, income from the RHI would be approximately £49k per annum for 20 years, but this may have changed by 2015. Under the purchase option the council would receive the whole amount, under the leased option the council would receive a percentage of the RHI, which would increase over time. The cost and availability of fuel over the longer term is an issue that would need to be considered for plant of this size.

³ Gloucestershire County Council has recently agreed a procurement framework for PV and awarded the contract to a preferred supplier. The terms of the agreement are to provide free installation, free electricity and a small percentage of the tariff. These terms are available to the council. However, capital investment may be required to upgrade roofs to ensure they are suitable to carry panels. The carbon savings quoted are based on a feasibility study undertaken in April 2011.

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Cheltenham Borough Council

Cabinet 13 November 2012

Application from Police for Local Authority Consent for a Dispersal Order – Cheltenham Town Centre]

Accountable member	Cabinet Member, Housing and Safety
Accountable officer	Sonia Phillips, Director, Well Being & Culture
Ward(s) affected	Lansdown
Key Decision	No
Executive summary	In response to growing concerns about current levels of anti-social behaviour in Cheltenham town centre and in accordance with the provisions of Part 4 Section 30 of the Anti-Social Behaviour Act 2003, Police wish to exercise powers to disperse groups and remove persons under 16 from Cheltenham Town Centre for the period from 00:01 hours on 30 November 2012 to 23:59 hours on 24 May 2013. The consent of the local authority is required for the creation of a dispersal order. Because of the potential public interest and community safety issues involved in the issue, such an application should be considered by Cabinet.
Recommendations	<p>It is therefore recommended that:-</p> <p>Cabinet consent be given to the Relevant Officer of Gloucestershire Constabulary that powers conferred by section 30 of the Anti Social Behaviour Act 2003 are to be exercisable (subject to the Dispersal Order Protocol attached at appendix C) for the period from 00.01 hours on 30 November 2012 to 23:59 hours on 24 May 2013 in respect of the area as outlined on the map at appendix B.</p>
Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote</p> <p>Sarah.Didcote@cheltenham.gov.uk, 01242 264125</p>

Legal implications	<p>The Legal provisions regarding dispersal orders are set out in sections 30 to 36 of Part 4 of the Anti-Social Behaviour Act 2003.</p> <p>In summary, section 30 provides that where a police superintendent or above rank has reasonable grounds for believing that members of the public have been (1)(a) intimidated, harassed, alarmed or distressed in public places in a relevant locality in his/her police area <u>and</u> (1)(b) that anti-social behaviour is a significant and persistent problem in that relevant locality, that he may make a written authority (with the consent of the local authority section 31(2)) allowing uniformed constables to disperse groups of 2 or more people (Section 30(4)) and to remove persons under the age of 16 between the hours of 9pm and 6am to their place of residence from the relevant locality (unless the child is likely to suffer significant harm) (Section 30(6)).</p> <p>The written authority from the police superintendent or above rank should give a relevant concise summary of the material that gave rise to the officer's belief that the authorisation was required (<i>Sierney v DPP</i> [2006]).</p> <p>A plan of the relevant locality clearly defining boundaries should be attached to the authorisation. The period of authorisation cannot exceed 6 months (section 30(2)) although an extension may be applied for and authorised at a later date. An authorisation may not be given without the consent of the Local Authority (section 31(2)).</p> <p>Contact officer: Sultana Begum , Sultana.Begum@tewkesbury.gov.uk, 01242 272695</p>
HR implications (including learning and organisational development)	<p>No Comment</p> <p>Contact officer: Julie McCarthy Julie.McCarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>Refuse to consent to the Dispersal Order</p> <p>Statement on Risk</p> <p>The Cabinet is entitled to refuse consent to the Police if it is not confident that the proposed Dispersal Order is an appropriate or proportionate response to the current reported problems of anti-social behaviour in the area. Cabinet faces the risk of adverse public reaction either for supporting a measure which will be seen in some quarters as a draconian restriction on the rights of young people to socialise, or alternatively for failing to support a reasonable response to an issue which is known to be at the top of most residents' priorities.</p>
Corporate and community plan Implications	<p>Consent to the Dispersal Order would support the current Council Business Plan and the Cheltenham Community Safety Partnership working towards reducing levels of crime, anti-social behaviour and the fear of crime.</p>
Environmental and climate change implications	<p>None</p>

1. Background

- 1.1 The area concerned is part of the main town centre area within the boundaries of Clarence Street, Ambrose Street and the High Street, Cheltenham. This area includes all open spaces, highways up to building lines and car parks within the area defined. This proposed dispersal order zone incorporates 4 of the Town Centre's main anti-social hotspots i.e. St Mary's Churchyard, Outside McDonalds, High Street, Jenner Gardens and bench outside Hutchinson's.
- 1.2 Figures show that year on year for 2011 and 2012 up to July 2012 a large percentage increase in incidents of anti-social behaviour.

	2011	2012	
March	1	12	1100% increase
April	9	13	44% increase
May	14	12	14% decrease
June	17	23	35% increase
July	14	14	No change
August	19	10	47% decrease
September	11	14	27% increase
October	12	14	17% increase

The figures show that ASB within the proposed dispersal zone continues to be an issue. The most common location these incidents occur is outside McDonalds on the High St.

In May 2009, Cheltenham Town Policing Team obtained a dispersal order covering the whole of the Town Centre. This was aimed at a specific group of youths who were causing problems across the town centre. Shortly after the dispersal order was put in place the group dispersed and the order never had to be implemented and used against any group. This was extremely positive as the incidents decreased sharply and the community felt safer. The group of offenders no longer caused problems in the Town Centre.

If the Cabinet consents to the police request, the powers given to the police are quite extensive. The police will have to publicise the authorisation.

If a constable (or PCSO) in uniform has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in the proposed area of public place has resulted or is likely to result in any members of the public being intimidated, harassed, alarmed or distressed he/she can: require the group to disperse; require any member of the group who does not live in the locality to leave, and/or prohibit their return their within a period up to 24 hours.

If between the hours of 9pm and 6am, the officer finds a person under the age of 16 and not under the effective control of a parent or responsible person over the age of 18, he/she has the power to remove that young person to their place of residence unless there is a significant risk of harm to that young person.

2. Reasons for recommendations

- 2.1 If agreed, the Dispersal Order will give police the means to reduce such anti-social behaviour from this area of the town centre which will improve the quality of life for staff, residents and visitors to the town, which would support the current Council Business Plan working towards reducing levels of crime, anti-social behaviour and the fear of crime.

Cabinet members are well aware of the importance which residents and visitors to Cheltenham attach to issues of public safety, and will, I am sure, wish to support the Police and other partners in any efforts to achieve a safe and prosperous town centre where people of all ages can feel comfortable in going about their lawful business without fear of intimidation or harassment. Members will also be aware of earlier successful deployments of Dispersal Orders.

The current proposal is for a Dispersal Order on a significant scale, encompassing an area which would be recognised as part of the town centre of Cheltenham, and Cabinet will wish to feel confident that the size of the proposed area is proportionate to the scale of the problem.

3. Alternative options considered

- 3.1 Cabinet members may question why the Police believe that the powers which flow from a Dispersal Order should be any more effective than other powers already available, such as Anti Social Behaviour Orders or Acceptable Behaviour Contracts. To understand the police rationale, a Dispersal Order Protocol is attached as Appendix C, (but I have also agreed with the Leader that the Police Superintendent for the Town Centre (or a nominated representative) should be invited to address the Cabinet meeting so that members may question them about it).

4. Consultation and feedback

- 4.1 Community engagement has been completed within the proposed area to get a better understanding. Community groups, businesses, councillors and residents have been spoken to get their views and opinions.
- 4.2 The Town Centre Neighbourhood-Coordination Group discussed the proposed dispersal order on the 9th August 2012. At the meeting the group decided to support the dispersal order application. The group recognised the issues that were occurring within the proposed area. These issues were not just incidents that had been reported to Police but also community concerns raised to the local Councillor, local businesses, friends of groups, Neighbourhood Watch Co-ordinators, Community Ambassadors and the West End Partnership. The group raised concerns that the dispersal order may give the opinion the area is not safe place to go however overall stated that they wanted the dispersal order on the basis that it will be used to target offenders that disrupt the area for members of public going about their daily business.
- **Chair Town Centre NCG** – Believes the ASB is bringing down the area. It's around the bus stop for the train station so would put visitors off coming back to Cheltenham.
 - **Cheltenham Ambassador for People and Services (Champs)** – An individual feels intimidated by groups of youths in the area and has witnessed people shouting, swearing and using threatening behaviour in St Mary's Churchyard.
 - **Friends of Jenner Garden and St Mary's Churchyard** have both discussed the dispersal order. There is currently an action group set up looking at improving St Mary's Churchyard over the next year to link it in with the various other developments in the area. Due to the ASB that occurs in the churchyard they were very supportive of the dispersal order and believed that by tackling the ASB more people would want to use the Churchyard. The Friends of Jenner Garden have previously resorted to locking the garden in order to stop groups of street drinkers gathering there. They have seen less and less people walking through the garden and they believe it is due to the issues that are happening there.

- **Secretary Friends of Jenner Gardens** feels frightened and distressed about walking through Jenner Garden due to the current issues.
- **McDonald's** As identified in the application McDonald's suffer a lot of ASB incidents in the dispersal order zone. Manager of McDonald's has been contacted and explained that on a daily occurrence her staff are suffering verbal abuse from young people in the area. This has made staff feel very intimidated and is impacting on business as customers do not feel safe going to the restaurant. She fully supports the dispersal order and the action Police have taken before now.
- **Businesses** Approximately 40 businesses in the area have been spoken to in the area and no one contested the dispersal order. Of those spoken to 11 completed surveys which are attached to the application. Below are some of the key comments: Also please see 'Press Release' below re businesses in Clarence Street.
- **Children's Library** – customers are put off visiting due to alcoholics, homeless and drug takers hanging around the area.
- **Brewery** – experienced criminal damage to shops from groups of youths.
- **Total LTD** – Staff have had to watch daily males urinating in front of their office windows. They have also witnessed sexual acts and drug taking.
- **Bon Appetite** – Customers feel intimidated by the groups of youths.

Posters

Over 20 posters were displayed in shop windows around the border of the proposed dispersal order zone. These posters informed the public of the intention to apply for a dispersal order and how to contact the Police to raise their views and opinions. No response to the posters.

Press Release

A press release was put out by Gloucestershire Police on 1st October 2012 which Ward Councillor Barbara Driver was also quoted in supporting the application. The release explained the area and reasons for the dispersal order and how to contact the Police to give any views or opinions. Following this publication an email was received from a group of businesses in the Clarence St area who said they were against the dispersal order. Police tried to contact them to explain the dispersal order and how it works however they were not interested in this.

- 4.3 Feedback is very much in favour of this action being taken to reduce incidents of anti-social behaviour which is having a very negative effect on the quality of life for individuals and communities alike within this area. It is also believed that by having the Order in place it will not only help to reduce the incidents of anti-social behaviour in the area but that those causing anti-social behaviour will see that the police and community are taking the issue extremely seriously and that their behaviour will not be tolerated.

5. Performance management –monitoring and review

5.1 If agreed, the Dispersal Order will be monitored by police throughout and a full review undertaken at it's conclusion.

Report author	Contact officer: Trevor.Gladding@cheltenham.gov.uk, Tel No:- 01242 264368
Appendices	A. Risk Assessment B. Map outlining the proposed Dispersal Order Area
Background Papers	<i>None</i>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Refusal to agree to Dispersal Order may lead to unacceptable escalation of anti-social behaviour in this area	Trevor Gladding	13.11.12.	2	2	4	Accept	None required at present			
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

Either: Reduce / Accept / Transfer to 3rd party / Close

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

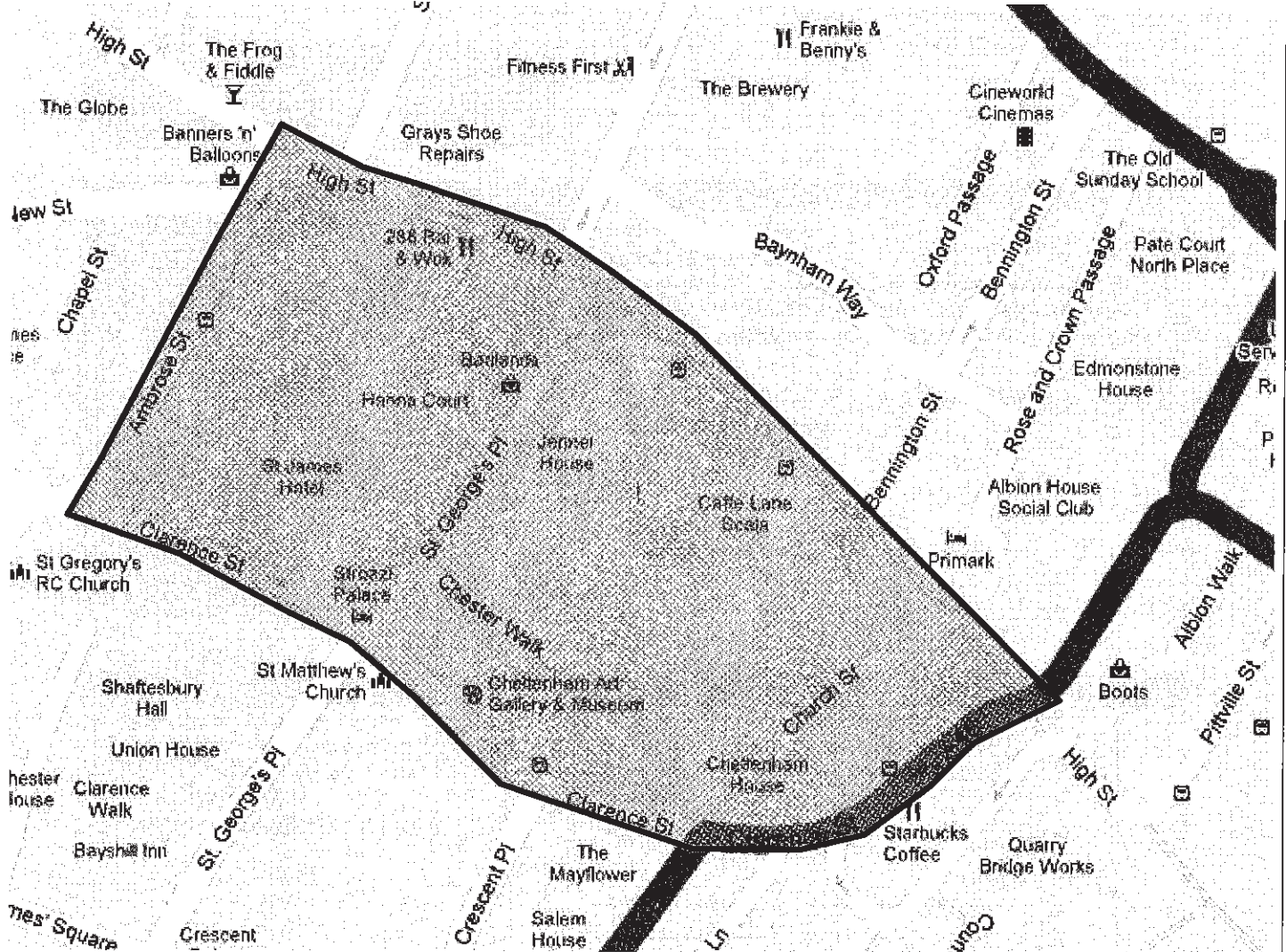
For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on

DISPERSAL ORDER

CHELTENHAM TOWN CENTRE



This order is in place

OIC – PS HUTCHINSON 255
TEL: 101 ext 6138

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Dispersal Order Protocol – Cheltenham Town Centre

The Anti-Social Behaviour Act 2003 gives the police powers in designated areas to disperse groups of two or more where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed.

The basis of this application is supported by numerous complaints of crime and disorder within the designated area and it is anticipated that the introduction of a 'dispersal order' will provide a suitable tool to deal with minority element of youths or other persons responsible for the current issues.

Individuals who do not reside within the designated area can be directed to leave the locality and may be excluded for up to 24 hours. A person does not commit an offence because an officer has chosen to use the power to disperse, but failure to follow the officer's direction is an offence. The 2003 Act also creates a power to remove to their home any young person under 16 who is out on the streets in a dispersal zone between 9pm and 6am and not accompanied by an adult.

The Protocol

This power will only be used against 'known individuals' by Cheltenham South Neighbourhood Area Staff. Where police or Police Community Support Officers (PCSO's) attend an incident of anti-social behaviour or disorder within the designated area they will engage with those to establish identity.

In addition any children and young people who become involved in this process will be subject to the Common Assessment Framework (CAF) via the Anti-Social Behaviour Unit based within Cheltenham Borough Council, in delivery of frontline services that are integrated and focused around the needs of children and young people.

Inspector Tim Waterhouse
Cheltenham South Neighbourhood Policing Area
1 November 2012

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Briefing Notes

Committee name: Cabinet

Date: 13 November 2012

Responsible officer: Pat Pratley, Executive Director

Third Annual Review of Gloucestershire Airport Green Policy

This note is to keep Cabinet Members informed of the outcomes of the Joint Airport Working Group meeting to consider the third annual review of Gloucestershire Airport’s Green Policy. If Members have questions relating to matters shown, they are asked to contact the officer indicated.

Introduction

The Joint Airport Working Group met on Friday 12 October 2012 to review progress on implementation of Gloucestershire Airport’s green policy. This was the third review of the policy, which was developed in 2009 as a result of a condition placed on the approval of the business case for the Runway Safety Project. The review covered the period 1 April 2011 to 31 March 2012 but included some information on progress up to July 2012.

The review report

To compile the report, the airport was asked to provide evidence of the work it had undertaken during the review period to implement both the green policy and specific recommendations from previous reviews. Officers from Cheltenham borough council and Gloucester city council reviewed the information provided, gave a view on the progress made and put forward recommendations for the working group to consider together with the review report.

Outcomes from the working group

Representatives from the Airport Board attended the working group meeting. In considering the review report, working group members asked for further information on transport issues and for clarification about the delay in publication of the third issue of the green policy. They also asked for clarification on aircraft movements outside operating hours, whilst acknowledging that the airport had not breached any of the ceilings set down in the policy for aircraft CO₂ emissions, aircraft movements and out-of-hours flying. The working group also requested that the total amount of waste produced by the airport to be included in future reports, to provide context for the recycling figures provided

The working group and airport representatives approved the review report and accepted all the recommendations. The recommendations, which are summarised in the table below, will now be implemented by the airport.

Overall framework	<ul style="list-style-type: none"> • Ensure next issue of green policy reflects all the working group’s recommendations from this and previous reviews
Noise	<ul style="list-style-type: none"> • Ensure outstanding recommendation to set a benchmark for noise complaints is in revised green policy • Provide an update at the next review about how the concerns of residents in Down Hatherley have been addressed
Ground operations	<ul style="list-style-type: none"> • Ensure recommendation to publish a summary table of information is addressed in forthcoming issue of green policy • Provide an update at the next review on establishing a process to accurately measure fleet fuel consumption

Green travel plan	<ul style="list-style-type: none">• Provide a comprehensive update on the green travel plan at the next review
Waste	<ul style="list-style-type: none">• Establish the baseline and publish in forthcoming issue of green policy
Water quality	<ul style="list-style-type: none">• Ensure information on water usage in buildings is included in the forthcoming issue of the green policy• Provide an update on improvement measures that have been implemented at next review
Landscape and ecology	<ul style="list-style-type: none">• Provide an update at next review on the landscape and ecology work carried out as part of the runway safety project

The working group will report the outcomes of future reviews to Cabinet.

Background papers

The following documents are available on request:

- Gloucestershire Airport Third Annual Review report
- Minutes of the working group meeting held 12 October 2012

A copy of the Green Policy is available on Gloucestershire Airport's website.

Contact Officer: Gill Morris, climate change & sustainability officer

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